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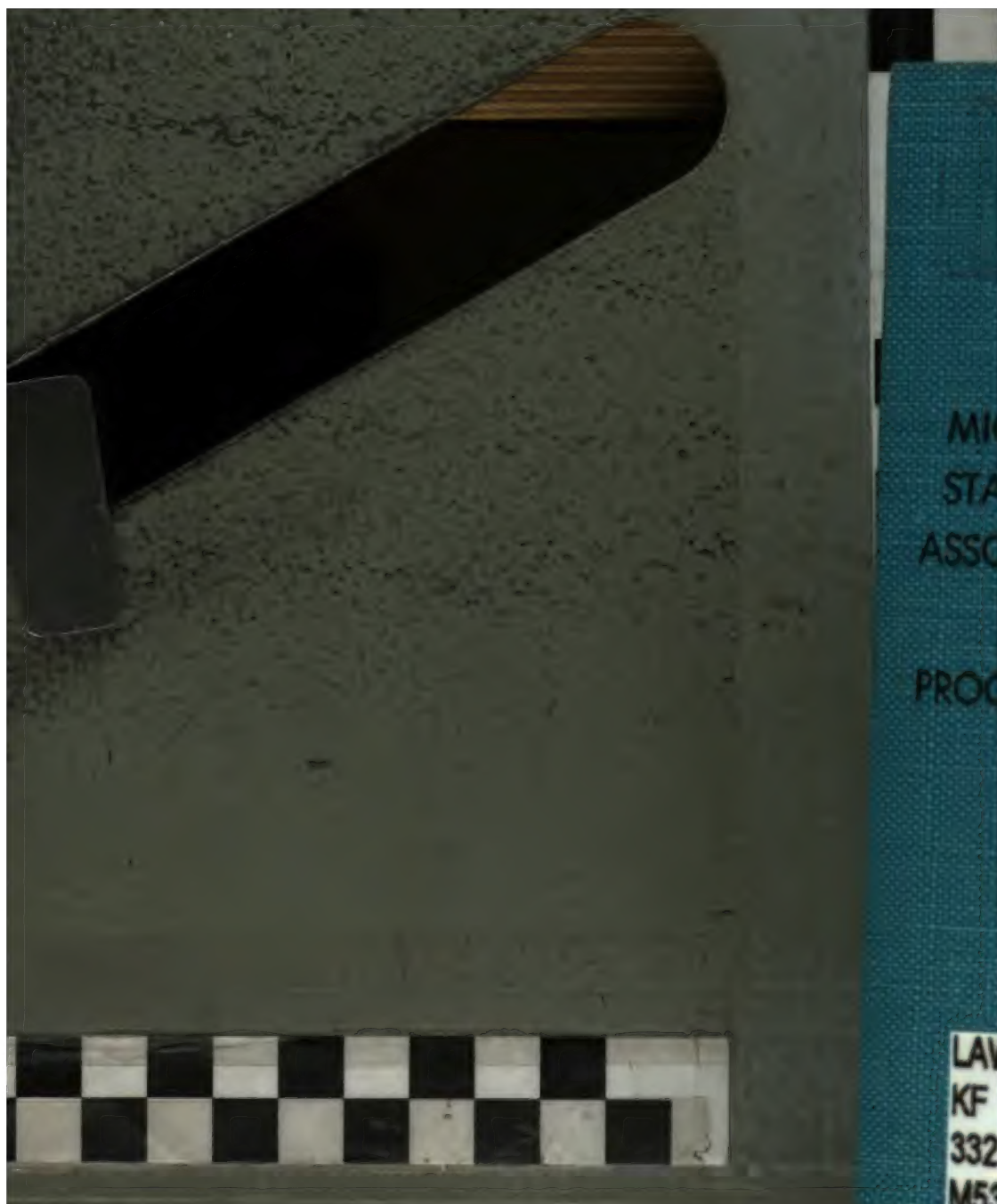
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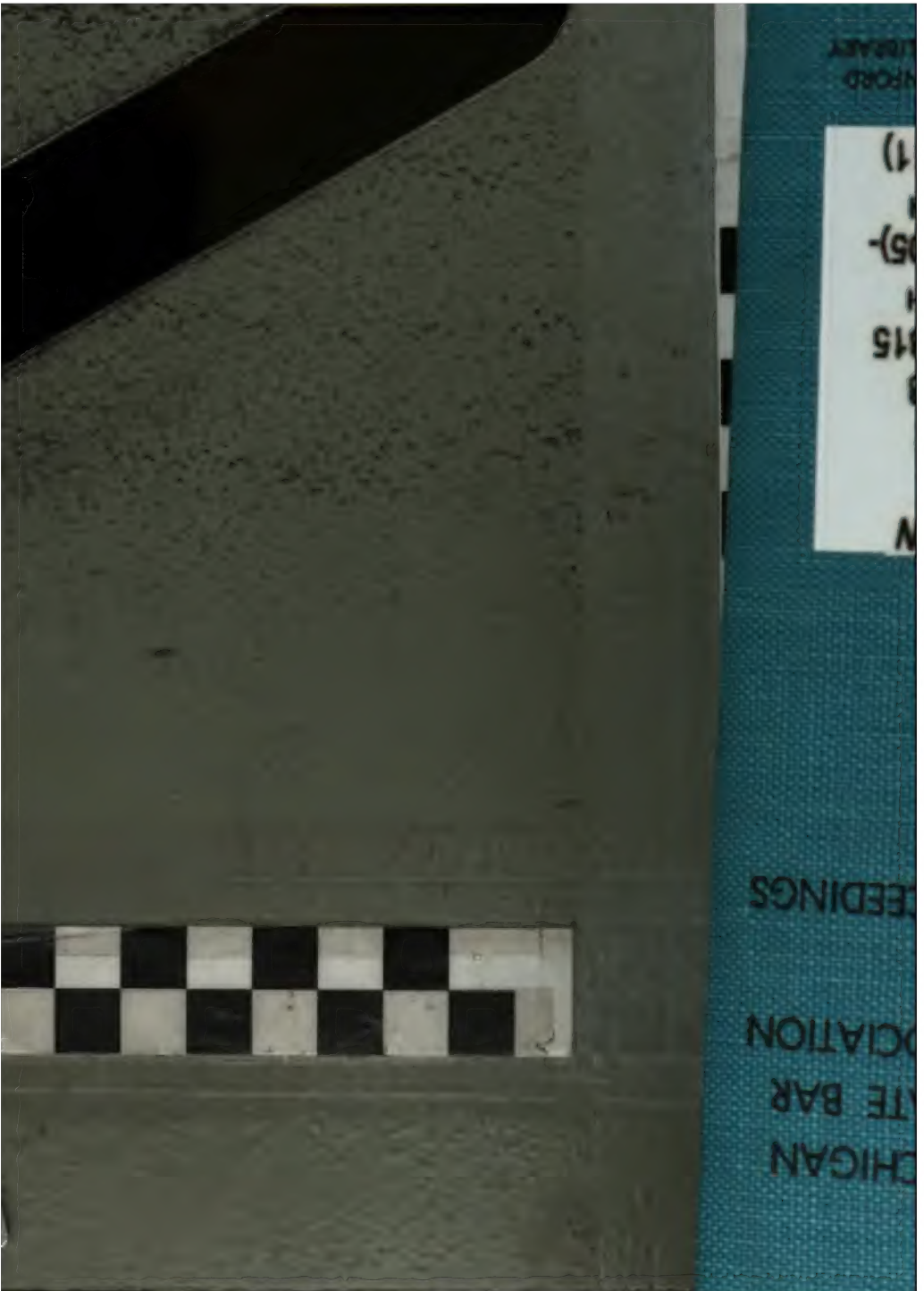
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THE 17th Annual Meeting of the Association will be held in
Kalamazoo, the latter part of June, 1906.



PROCEEDINGS

OF THE

Sixteenth Annual Meeting

OF THE

Michigan State Bar Association

1905.





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1905-11



CHESTER L. COLLINS,
PRESIDENT 1904-5.

PROCEEDINGS
OF THE
SIXTEENTH
ANNUAL MEETING
OF THE
MICHIGAN STATE
BAR ASSOCIATION



BAY CITY, MICHIGAN

JUNE 28 AND 29, 1905

WITH

CONSTITUTION, BY LAWS,
OFFICERS, MEMBERS, ETC.

1905

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Proceedings.



PROCEEDINGS
OF THE
SIXTEENTH ANNUAL MEETING
OF THE
Michigan State Bar Association.

BAY CITY, MICH., JUNE 28 and 29, 1905.

Bay City Club House, Wednesday P. M., June 28th, 1905.

Meeting called to order by the President, Hon. Chester L. Collins.

President: Gentlemen, the time has come for the opening of this meeting. The Sixteenth annual meeting of the Michigan State Bar Association is now in session, and I invite the Rev. Charles T. Patchell to give the invocation.

Rev. Mr. Patchell: Let us unite in prayer. Our Father, we thank Thee for the opportunities, for the blessings, for the strength that are ours. We thank Thee for this noble profession and the power that has been placed in its hands, and we ask that it may become a greater power in our midst for the advancement, the building up of the national life. We pray for those who are scattered about our state; we ask that upon each man's body and into each man's heart may be given the strength and the wisdom and the power that is necessary to make him a man that shall serve Thee and serve Righteousness. We ask Thy blessing upon the deliberations of this body, and may Thy spirit guide them: may wisdom be found in their words, and grant that their deeds shall result in great good to themselves and to the State which they represent. Our welfare is in their hands; we pray Thy blessing upon them that they may be guided and strengthened, always, for the building up of justice, peace and right, in our midst.

Bless the officers of this noble body, and may they too be imbued and prepared for the work that shall fall upon them. May they be led from day to day, and especially in this gathering, to do that which will glorify Thee, and unto Thee shall be the praise, through the grace of our Lord. Amen.

President: Gentlemen, I wish to say, before reading the paper which I shall have the honor to read before you, that each paper read and each report given in our association meetings should be a subject for discussion; and I particularly invite discussion upon the matters presented by this paper. I think that, regardless of my treatment of the subject, the matters brought forward are something upon which you all have views, and it involves a subject upon which I think there should be full discussion.

(See Appendix for President's Address, The Common Law and the Statute Law in Michigan, by Hon. Chester L. Collins.)

President: The next thing in order will be a discussion upon the subject matter of the paper. I hope to hear a full and free discussion. Judge Perkins has been looking up one branch of the law; I will call upon him for some remarks.

Judge Willis B. Perkins: Mr. President, I was very much pleased with the discussion of this subject, in the paper just read, and the novel way in which the matter was presented. I was pleased, also, with the emphasis given to the necessity for further attention to our statutory law. We have been inclined to think, as has been suggested, that we have too many statutes, and sometimes we think that there would not be so much crime in the state if the statutes did not make so many acts criminal. There was one thought in the paper which impressed me particularly, and that was that the law is not an exact science, definite and fixed, but rather a philosophy which grows with the development of the people. The common law, it was stated, remains fixed, that is, the common law as we adopted it in the beginning of this country is the

same to-day as it was at the time of its adoption. Yet, I apprehend even the common law is a philosophy rather than a science. A science remains fixed. Two and two are four, forever. A philosophy, however, grows; and, as I have understood it, the common law grew also. It grew from very meager beginnings, and was built up through the natural processes of evolution. So, in 1776, on the 4th day of July, when this country announced its independence of the mother country, the common law had become a great system of law.

Now, the paper further said that since that time the various courts, in construing the common law, have been led by reason rather than by the strict letter of the law. That is, the balancing and counterbalancing of the justice of each particular case, have led the courts to their various opinions; and so, even since 1776, the common law has been passing through this evolutionary process, and it may be that it is somewhat modified and, perhaps, enlarged, to meet the growing needs and changed conditions of the people.

There was another thought in the paper which, to me, is an excellent one, and it is this: Due credit was given to the lawyers for their energetic zeal in instructing the courts, thereby enabling them to reach right conclusions. The lawyer, unfortunately, is looked upon as a sort of incubus on society by a great many people in every community. This is a serious mistake, in my judgment. The lawyer stands as the one representative in courts of justice of the contending forces of every community in the establishing of rights and duties. He has no right to fight on a line that will prejudice, but must contend for, the rights of his client. When two lawyers earnestly and zealously fight for a principle, involved in a case, each contending for diametrically opposite conclusions, you may depend upon it that if they fight well and thoroughly the court will see the light of truth shine out through the contest. It is when lawyers fight vigorously, earnestly and

zealously for their client that the court is best aided in reaching a just and right conclusion. When a lawyer comes into court and presents the claims of his client in a half-hearted way, and in a loose discussion presents his authorities, perhaps simply the syllabi, or makes mere reference to authorities, without giving any substantial reason for the claim he is presenting, I tell you, Mr. President, the court is up against a hard proposition. That lawyer is not performing his duty. Either the court must take the earnest presentation of the points made by the other side as the law or must know the law, or, if he does not know it (as sometimes happens) he must take it upon himself to look it up. It is only when a lawyer buckles on his armor and makes a fair fight in his argument before both court and jury that truth and justice are more likely to be established. So, I say, the paper pays just tribute to the position of the lawyer in every community.

I am also very glad of the suggestion about the codification and bringing together of our statutes. They are, of course, as we all know, somewhat cumulative, and the suggestion that a commission be appointed to bring the statutes into a smaller compass, without interfering with any of the provisions, is an excellent one and should be acted upon, in our state. I would not say that any one of these statutes in our three large volumes is not necessary to the welfare of the people; they are all, doubtless, essential to the welfare of the people of this state, and yet we know that many of these statutes go on and on, in the language employed, and cover a great deal more space than is absolutely necessary. An earnest and conscientious codification, and elimination of the unnecessary matter, would be a benefit to the lawyer, the courts and the people.

One thing further, before I close. I expected to say but little, and I won't take up much more time. We are apt to think that all of the bills presented to the legislature, and

passed by that body, originate there. That is the general impression. We say the legislature does this, that and the other thing. The truth of the matter is (I don't know how many, but I make a rough guess) that two-thirds or three-fourths of the bills presented at any session to the legislature have been carefully thought out and framed in some lawyer's office, or by some commission or society that is interested in the particular matter. So, when a lawyer sees where an improvement can be made some society or association will suggest that that improvement be presented in the shape of a bill at the next session of the legislature. So all the way through, by the legal, medical and other societies of this state, these bills, or the great bulk of them, have been thoroughly and earnestly considered before they ever go to the legislature. They represent the best thought of the thinking people of this state and when they come in the shape of a bill to the legislature, they are referred to the judiciary committee; if the judiciary committee has time to look them through they will report them and they may pass, or, if they do not, they will die there or be presented to the next legislature.

President: I invite further discussion upon this subject. Mr. McCarthy, I would like to hear from you on the legislative side of the question.

Mr. John J. McCarthy: Mr. President and Gentlemen of the Association, I am pleased with the paper read by our worthy president. I can not offer any suggestion along the line of the thoughts presented by the paper that would be of any benefit to the association. I desire to thank the president for his defense of the legislature as to the number of bills introduced and the manner in which they are passed. I never saw a member of the legislature trying to pass a bill unless it appeared to him that his district or some part of it wanted him to do so, and then only upon a careful consideration of the bill himself, whether it was local or general. I have found most men,

down there, trying to do what their constituents wanted them to do. Persons outside find a great deal of fault with the work of the legislature: some claim that the general bills and other bills are not pushed as rapidly as they should be, and find a great deal of fault with the local bills that are being passed by the legislature. Pretty soon, however, they will have one of their own and then they are anxious to get it through: the people in their district cannot survive unless it is put through at once. To my mind a man is doing his duty whether he is passing a local bill which his constituents want or a general bill of state wide interest.

I note the suggestion that a great many bills are prepared outside and sent to the legislature. That is true in some instances, and I know of a good many members preparing bills for their constituents and for members who can not draw them. I have seen men drafting bills, and presenting them to the legislature, who could not draft a page of a letter intelligently; yet, they are drafting bills with a view to passing them and enacting them into law. These instances have led me to think that a commission should be appointed to put bills in form. I know that the judiciary committee is particularly burdened with that labor: there is a great deal of other good work they could find to do. It has been suggested that bills that go into that hopper never come out, but they work honestly and faithfully and do the best they can: if some poor bills pass the legislature it is not so much the fault of the legislature as it is because of the fact that you give its members a great deal more than it is possible for them to do, and do correctly.

President: I would be glad to hear from other members of the association.

Mr. John E. Kinnane: Along the line of legislative work and what might be accomplished in the improvement of our

general statute law, it appears to me that one of the things that would be most beneficial in that line, if it could be brought about, would be the devising of some means that would relieve the legislature of the very heavy drafts upon its time and labor by local legislation. It would be well if there was some means by which a large portion of this local legislation could be cut off or provided for, and taken off the shoulders of the legislature, so that when the legislature meets it would be able to devote the necessary time and attention to considering the general statutes of the State of Michigan that effect the people at large. I think that those who have had experience in the legislature will agree with me, that vastly more than one-half the time of the legislature is consumed in considering local bills and local legislation, effecting localities—city charters and the like—and I think it is reflected upon the work of the legislature, as far as enactment of general laws and the consideration of those statutes that have a state wide effect, is concerned.

Now, I make this suggestion, that we devise or suggest some plan or idea that will be effective in lessening work or time that is consumed in local legislation.

President: Is there any further discussion to be had on this topic? If not we will pass to the next.

Mr. Frank S. Pratt: Would it not be wise for this association to put itself on record on this subject of local legislation? It has seemed to me, for a great many years, that our system of municipal law, originating in the legislature (using the word as applied to villages and cities especially) is in its nature, essentially vicious. What good reason is there for a special charter for Detroit—another special charter for Grand Rapids—and so on through the list of the incorporated cities. As Mr. Kinnane has well said, if the local legislation, using that term as applying to charter legislation, could be taken out of the work of the legislature it would reduce the work of that body fully one-half, and with it would take out

three-quarters of the suspicions of jobbery, also.

The people of the state are entitled to the combined wisdom of the legislature upon any act passed by the legislature. In practice, we send a representative to the lower house from Bay City and a senator from this district; he goes down there because he has some special scheme that he wants to carry out in his local government, for the benefit of himself largely, or the benefit of his friends. I think this association ought to put itself on record as against special legislation; as against special charters for municipalities and in favor of what we have sometimes called a blanket charter.

Mr. U. R. Loranger: I have listened with much interest to the discussion regarding legislation for cities, as it is a matter with which I have had considerable personal experience. The cry against cities consuming so much time of the legislature appears to me unjustified; and as the gentleman preceding me has stated, a court is better able to decide when it has heard both sides. The other side of this question, about which we hear little, is the one which I desire to lay before you.

During the administration of Gov. Rich a commission was appointed to prepare blanket charters for all the municipalities of the state, dividing them into four classes according to population. Through courtesy of Speaker Gordon, the House of Representatives gave this commission and representatives from a large number of cities a hearing on the floor of the house. The discussion that took place at that time developed many difficulties, generally unknown to the public, the commission and to the legislature. I will not enumerate them all, but will content myself with one or two instances. In the case of Bay City, the mileage of the streets per capita is so far in excess of some other cities of the same class, and the cost of maintaining them is so much greater, that the limit placed by the blanket charter for highway taxation was woe-

fully inadequate. To have made it sufficiently large for Bay City would have made it extravagant for others. Some cities had nearly completed their pavements, sewers, etc., and paid for them by a levy on the abutting property; while other cities of the same class had paid for similar improvements by spreading a large portion of the cost over the property of the entire city. To make it uniform would work an injustice to one or the other in the same class. To spread the expense over the entire city would be to compel those who had already paid for their abutting improvements to again pay for similar improvements in the remaining portions of the city. To levy a tax on the property particularly benefitted, or on the property abutting on the improvements, would be to compel those who had contributed to the general fund for same, now to bear alone the expenses of such improvements in front of their own property.

In case the blanket charter were in force and one city wanted an amendment, its application to the legislature would bring to the capital representatives from every other city of the same class. The time of the legislature, instead of being confined to the requirements of one city, would be taken up with discussions covering many, and often to no purpose.

It seems to me entirely wrong to begrudge the cities the time which they may need from the legislature. They are entitled to as much attention as the remaining portions of the state. The difficulty has not been that cities require too much of the legislature's attention, but that they have not received sufficient attention. If the legislature would more carefully perform its duties with respect to municipalities, there would be less pernicious legislation and better municipal government. But little time is given to charter legislation; bills are railroaded through the legislature with practically no consideration on the part of the committee. It is the lack of proper attention to municipal legislation that is the real difficulty,

and not the requirement of too much time by them. The cities are worthy of a large part of the legislature's time.

The enactment of blanket charters without constitutional amendment would be no solution of the problem whatever; for there is nothing to prevent succeeding legislatures from repealing or amending same; this fact would simply give rise to constant contention between cities, confusion and the waste of much more time by the legislature than it now gives to municipal matters.

Mr. John J. McCarthy: This matter of local legislation has been discussed a great many times; how to avoid it, and how to do our duty to all the citizens in the state without it. Some of the cities south of us are all one compact body. The population in the south part of the state is compact, but when you go into the northern portion of the state you get into very different conditions, as far as the inhabitants, industries and interests are concerned. What will do for Detroit will not do for Houghton, and vice versa. Power must be placed somewhere so that laws can be made to fit the local conditions; there is no place as proper as the legislature, and that is the place where it ought and must be reposed.

We can not pass a specific rule that would prevent another legislature from overturning that rule. I feel, as the state is constituted, local legislation is necessary. As long as different localities require different treatment so long local legislation will be necessary and so long localities ought to have that legislation. When a member asks a specific thing for a specific locality he is doing his duty by that locality and he is doing his duty, just as much, by the whole state. I think the bill he asks to have passed belongs to the whole state.

Mr. John E. Kinnane: Without prolonging this discussion unnecessarily, I desire to call attention to one feature of local legislation; partially, in reply to the remarks that have

been made by the last two speakers. It has been said that from the size of the state, and the nature of the state, it is impossible for the legislature to give the necessary time to examine all of the local bills that come before it. For instance, the amending of a charter of a city would take any man or set of men perhaps a month or a week to examine it, with a view of understanding it to a reasonable degree. The next point is this, that the legislature does not attempt to enter into these matters at all. We have a matter from Marquette; the member from Detroit, or from Southern Michigan, knows nothing about the needs of that city, and what is more, he does not care any further than legislative courtesy will lead him to aid the local member because the local member will aid him when he has a local bill. When the state legislature passes a bill for any city it is because the local member says it is right. You do not get the judgment of the legislature upon it at all.

If anything effective, in this direction, is to be done it should be taken up by a constitutional amendment that would limit the power of the legislature in local matters. I do not see why a city that is located in a mining country and a city that is located in a manufacturing district should not be governed by the same general form of charter. It is not a mining business or a manufacturing business, but it is the business of carrying on a general city government. I rather think it might be profitable for the chairman to appoint a committee to whom the matter could be referred, to see if something could not be recommended that would be practical; to put this into shape so that it can bear fruit, and, possibly, to suggest some amendment which would remove the evil.

President: I suggest that you put it in writing and submit it tomorrow morning, as a resolution. However, discussion is in order, as far as that is concerned.

Judge Edward Cahill: Those who believe that our legislature is unnecessarily burdened with the consideration of

municipal charters are not without precedent in supposing that a remedy may be provided by an amendment to our Constitution. It may not be generally known that for more than half a century the Constitution of Ohio has forbidden the granting of special charters to cities or villages, and has required all municipal corporations to be organized under general laws. Under that system several large cities and many smaller prosperous ones have grown up, and the fact that the provision is still in force is evidence that it has given general satisfaction. The Constitution of Ohio requires that in the general laws for the incorporation of cities and villages the legislature shall restrict their powers of taxation and of contracting debts, so as to prevent abuses of the same, but within this limitation the legislature may, and in practice has, vested in municipalities many general powers of local government, which are usually exercised by our legislature in granting our special charters.

As suggested by Mr. Kinnane, our legislature practically has little to do with the passage of special charters, aside from a mere formal vote. That this is almost necessarily true is not the fault of the legislature, altogether. These charters are cumbersome things; they are long and in general terms, largely alike. It is only in matters of detail, which are of local importance usually, that city charters differ from each other. Now the rule in the Michigan legislature, as my friends who have been members will bear me out in saying, is that if a charter is recommended by the member of the district in which the municipality is located, it is liable to pass without much examination either by a committee or other members of the legislature. That may not be the proper thing, but it is the most natural thing in the world. We believe in this state in local self government. That each locality ought in all matters of detail to be allowed to govern itself. In practice we prepare our charters or amendments

through the instrumentality of a committee of the Common Council, or a committee of citizens, and agree upon what we want and send it to our member of the legislature, not expecting it to receive the careful examination of the legislature, but that it will be ratified as a matter of necessary form. In effect, then, we do have authority to regulate our local affairs. But the legislature ought never to be called upon to act in any such merely perfunctory manner. It is not only that it is an unnecessary waste of legislative time, but it prepares the way for the passage of vicious local laws emanating from local cliques and bosses, and intended to subserve private ends rather than the public good, such as have scandalized our State within the few years past. Would it not be better if the power of the legislature over municipal corporations was limited by our Constitution to the enactment of general laws under which, within certain limitations, they should have all necessary powers of a local, legislative, and administrative character, and thus rid the legislature of the burden of so many unnecessary roll calls?

There is another way in which the time of the legislature is frittered away, which all who have been in the legislature can appreciate. Our Constitution provides that corporations shall be created by general laws and not by special acts. This provision of the Constitution is quite generally evaded and rendered of little practical value. To illustrate: Suppose a charter for a private corporation is wanted. If the parties interested go to the legislature with a bill providing that Jones, Smith and Brown be authorized to form a corporation for a certain purpose, they will be told that under the Constitution they are not entitled to it. So they prepare just such a charter as they want, containing the different requirements for the success of their scheme or plan of incorporation, but provide that any number of persons, not less than three, may organize such corporation. Now as there is probably no one

else on earth except Brown, Jones and Smith who want any such charter or are ever likely to organize under the law, it amounts in practice to giving them indirectly what the Constitution forbids, viz: a special charter.

The remedy for this lies with the legislature itself. In many states the legislatures have framed laws for the organization of private corporations of two classes, viz: those for profit, and those not for profit, and have required all corporations to organize under one or the other of these general laws. If our legislatures would adopt this course and adhere to it, they would save themselves much time and labor, and the people would be better satisfied.

President: Is there to be any further discussion upon this subject?

I desire to bring to your notice an act of the legislature of New York, passed on the 9th of May, 1904. I finished my address Saturday and, this morning, I received a copy of this act. It is short and I will read it.

AN ACT to provide for the consolidation of the statutes of the state.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. A board of statutory consolidation is hereby constituted to consist of Adolph J. Rodenbeck, Charles Andrews, Judson S. Landon, William B. Hornblower and John G. Milburn, or such other persons as may be appointed by the governor in case of vacancy. The duty of such board shall be to direct and control the revision, simplification, arrangement and consolidation of the statutes of the state as hereinafter provided.

§ 2. The plan and scope of the work shall follow that adopted in the general laws, so far as practicable. The statutes shall not be changed in substance except that as to matters of procedure such board shall report for enactment such amendments as it may deem proper and necessary to condense and simplify the existing practice and as shall adapt the procedure to existing conditions.

§ 3. The consolidation of the statutes herein provided for shall be carried on under the direction and control of said board by such persons as it shall designate and employ for that purpose whose compensation and necessary expenses shall be fixed by said board and paid by the comptroller on the certificate of the chairman or such other executive officer thereof as may be designated by said board from any appropriation that may be made for that purpose. The members of said board shall serve without compensation, but shall receive their necessary expenses and disbursements incurred in the discharge of their duties either at the capitol or elsewhere which

shall be paid in the same manner as the compensation and expenses of persons employed by said board.

§ 4. The board shall cause its work to be printed from time to time, and distribute copies of the same to members of the legislature, judges of the courts, and such other persons as it may see fit for the purpose of obtaining their suggestion and advice. It shall report annually to the legislature upon the progress of the work and shall make its final report of the statutes so consolidated for enactment to the legislature of nineteen hundred and seven. The printing for said board may be done by the legislative printer and payment therefor shall then be made out of the appropriation for legislative printing. Such board shall not be charged with the duty of advising as to current legislation.

§ 5. Such board, in its final report to the legislature shall suggest such contradictions, omission and imperfections as may appear in the original text, with the manner in which they have reconciled, amended or supplied the same. It shall also designate such statutes, or parts of statutes, as in its judgment ought to be repealed, with the reasons for such repeal, and may also recommend the enactment of any acts, or parts of acts, which such repeal may, in its judgment, render necessary.

§ 6. The sum of thirty-two thousand five hundred dollars is hereby appropriated out of any moneys of the treasury and not otherwise appropriated for the purpose of carrying out the provisions of this act up to the first day of June, nineteen hundred and five, to be expended in the manner herein provided.

§ 7. This act shall take effect immediately.

President: It will be observed that this act provides for, "the revision, simplification, arrangement and consolidation," of the entire statute law of the state of New York, and that such consolidation is to be submitted to the 1907 legislature.

It will also be observed that in defining the duties of the statutory consolidation board the act provides that the board shall not be charged with the duty of advising the legislature as to current legislation. It is also worthy of note that the board is constituted of five gentlemen named in the act, all of whom serve without compensation. It is inferable from the act that the legislature intended that this board should act in an advising and controlling capacity, the work of revising and consolidating the statute to be done by persons employed by the board; the general purpose apparently being to secure effective work in matter of details by employes of the board, and yet, the work when completed, to have had the supervision and oversight of the experienced and able lawyers constituting the board.

The next in order will be the report of the secretary.

(See Appendix for Secretary's Report.)

President: If there is no objection the secretary's report will be received and filed.

President: The Treasurer's report.

Secretary: Gentlemen, I have a telegram here, from Mr. Denison, saying that the treasurer's report was mailed to me this noon; we will have it here tomorrow, probably.

President: We will pass it until tomorrow morning.

President: The report of the Committee on Grievances.

(See Appendix for report of Committee on Grievances. Hon. Charles W. Perry, Chairman.)

President: If there are no remarks, the report will be accepted and adopted as read.

President: The report of the Committee on Legislation and Law Reform.

(See Appendix for report of Committee on Legislation and Law Reform. Hon. Wm. K. Clute, Chairman.)

President: Gentlemen, all matters embraced in the report are matters upon which discussion is invited and upon which debate may be had. There are two points containing recommendations which should be acted upon by the association, one is on the subject of justices' courts, and the other is on the subject of an amendment to the rule as to oral arguments in circuit courts.

Mr. F. S. Pratt: At present I move the recommendation, relative to justices' courts, be adopted.

President: Will there be any discussion upon this proposition? If not I will put the motion of Mr. Pratt. Those favoring that recommendation will signify it by saying, "aye"; the contrary, by the opposite sign. This recommendation is adopted.

What shall be done with the recommendation of the committee, relative to oral arguments in circuit courts?

Judge W. B. Perkins: I move the report of the committee, in regard to that, be adopted.

Judge P. T. Van Zile: I move the report be received, filed and the recommendations adopted.

President: There is only one recommendation made and there is a motion to adopt it. What shall be done as to the recommendation of the committee as to limiting oral arguments in the circuit court? Those in favor say, "aye"; the contrary, by the opposite sign. Motion carried.

What shall be done with the report?

Judge Edward Cahill: I move the report be received and the thanks of this association extended to Mr. Clute and the members of the committee for the very able report submitted.

President: Gentlemen, you have heard the motion of Judge Cahill. Those in favor of it say, "aye"; those opposed, the contrary sign. The motion is adopted.

Gentlemen, this exhausts the matter upon the regular program for this afternoon. Tomorrow's program will be resumed here, at nine o'clock in the forenoon, unless the association recommends otherwise.

I wish, now, to announce that the Bar Association of Bay County tenders to the State Bar Association a banquet. This banquet will be given in this building commencing at the hour of six o'clock; all the members of the association are invited to attend. In the meantime, you may treat this club as your home; in fact you have the privileges of the club so long as the association is in session. If there is any miscellaneous business which can be disposed of I would be glad to entertain it at the present time. I call your attention, among other things, to the appointment of a committee to report officers for the ensuing year. It might be well to

appoint such a committee at this time to report tomorrow morning.

Judge W. B. Perkins: I move such a committee be appointed, to report tomorrow morning.

President: It is moved and supported that a committee, on officers for the ensuing year, be appointed, to report tomorrow morning. Those in favor of the motion signify it by saying, "aye"; the contrary, by the opposite sign. The motion is carried.

I will appoint as that committee, Judge W. B. Perkins, Mr. DeVere Hall and Mr. James H. Kinnane. What is your further pleasure, gentlemen?

Judge R. C. Ostrander: I have brought here the regrets of Judge Blair, who could not attend this meeting. He asked me to say to you that while he is vice-president, by the election of this association, and knows, as all of us do, the usual course that has been adopted of promoting the vice-president to the office of president, there are reasons why, this year, this should not be done; that, in his judgment, it would be very much better if some other rule were observed and some other member of the bar chosen to that office.

President: What is your further pleasure, gentlemen?

Mr. W. H. Wetherbee: If there is no further business, I move we adjourn until tomorrow morning at nine o'clock.

President: Those in favor of the adjournment will signify it by saying, "aye"; the contrary, the opposite sign. The motion is carried.

Thursday, A. M., June 29, 1905.

President: The association will please come to order. The next in order of business is an address, "Directing a Verdict," by Judge Nelson Sharpe.

(See Appendix for address, Directing a Verdict, by Judge Nelson Sharpe.)

President: Gentlemen, the topic presented by this paper

is one that is open for discussion, and I invite your attention to it.

Mr. E. S. Clark: I would like to ask Judge Sharpe if, in his opinion, any improvement can be brought about in any way by an amendment to the rules of the court, or if it would be necessary to have legislation?

Judge Sharpe: I have not examined the question in that respect. I have thought if it was worthy the attention of the Bar it might be referred to a committee and they might investigate that phase. My judgment is, that it would, perhaps, require an amendment to the statute. I don't think it is anything new in the line of practice.

Judge Perkins: May I inquire whether the subject of the examination of that topic would be for a special committee to be appointed, or the standing committee on legislation?

President: That class of questions is referred to the Committee on Legislation and Law Reform.

Judge Perkins: I move then, Mr. President, that this subject be referred to the Committee on Legislation and Law Reform. I think, from personal experience, that the suggestion made by Judge Sharpe is not only timely but to the point, and if there is any remedy in this matter I think something ought to be done in that direction.

President: Gentlemen, you have heard the motion. Those in favor of the motion will signify it by saying, "aye"; the contrary, the opposite sign.

Mr. DeVere Hall: I find the practice, in some states, such as might be adopted here; notably, in New York and Missouri; that is, to agree on the facts, then put them in the form of a stipulation and go before the court with that stipulation and ask the judgment of the court. That is a settled practice in New York and Missouri, and it is in some other states. I have knowledge of two cases, one now pending in New York and one in Missouri, in which the facts have been stipulated

under the statute, and that stipulation was presented to the court and each party asked for judgment on that stipulation without necessity of suit at all, by the trial court. In these busy cities, to avoid the difficulty in getting witnesses and costs, it is very much encouraged. I don't know but that might be investigated and worked into a law by this same committee that investigates the suggestions of Judge Sharpe.

President: A motion to that effect would be in order.

Mr. Hall: Then I move that the Committee on Legislation and Law Reform be respectfully requested to investigate the statutes of New York, Missouri and other states which contain a provision for submitting a case to the court upon stipulation of the facts with a view of taking such action as may bring about such plan as may be desirable.

Judge Shepard: A practice, which Judge Brown adopted when U. S. District Judge, at Detroit, was, when a motion was made to direct a verdict and he felt it an uncertain question and was not clear about it, to let the case go to the jury, let the jury pass on the questions of fact, and say to the attorneys: "I will hear you on a motion for a new trial," and patiently listen to argument on the motion, because he often said to me: "In my Court there is no appeal up to \$5,000.00, and I am practically the Court of last resort, therefore, I must be exceedingly careful lest I commit an error."

Of course, if the Circuit Court under the constitution were the Court of last resort, I would feel the seriousness of the situation, and would have it impressed upon me repeatedly and earnestly that every litigant in the Court, however poor or limited their circumstances, would be prohibited from taking their case to a Court of last resort. But the Court of last resort, in this State, being so close to the Circuit Court, I feel that if possible the litigant should have an opportunity for that Court to pass upon his case.

President: Any further remarks? If not, I will put the

motion of Mr. Hall that the matter of Judge Sharpe's paper, and his recommendations, be referred to the Committee on Legislation and Law Reform. Those favoring that will signify it by saying, "aye"; the contrary, the opposite sign. The motion is carried.

Next will be the report of the Christianity Monument Committee; Judge Lockwood, Chairman, is not present but there is a report here that will be read by the Secretary.

(See Appendix for Report of Committee on Christianity Monument. Hon. H. A. Lockwood, Chairman.)

President: Gentlemen, what shall be done with this report?

Mr. Chandler: I move it be accepted and adopted.

President: It is moved and supported that the report be accepted and adopted. Those favoring that will signify it by saying, "aye"; the contrary, by the opposite sign. The motion is carried. I do not understand that that disposes of the recommendation in the report.

Mr. Chandler: I am sorry that there is not a fuller vote, and that the bar is not taking more interest in it. Those of you who were in Lansing and heard the matter discussed there are somewhat familiar with the situation. There seems to be some difficulty about the title to that land. Rather than have an undignified contest with those heirs it seems to me that the only reasonable way out of it, to be respectful to the Judge, is put the memorial in the State Capitol. Perhaps it is not proper to discuss the matter after it was voted upon, but the vote was so feeble I thought I would make the suggestion.

Mr. Landman: Would you have this committee proceed to carry out the recommendation?

Mr. Chandler: I do not desire to make it as a motion.

President: It appears to me the matter is left in an unsettled and unfinished condition.

Judge Van Zile: I think we ought to dispose of this

in a little more formal manner. I move that the report of the committee be accepted and the committee instructed to proceed with the recommendation; that they purchase a suitable bust of Judge Christiancy and place it in the Bar Library at Lansing. Those who practiced in the court at the time Judge Christiancy was upon the bench have a very fond recollection of him. It will be conceded by every lawyer who practiced in the Supreme Court when Judge Christiancy was one of the Judges of that Court, and had any acquaintance with him, and his decisions, that Judge Christiancy was one of the greatest judges Michigan has ever had; those who know the history of the times and the situation since his death will concede, also, that Judge Christiancy's memory, so far as monuments or so far as memorials are concerned, has been the most neglected of any prominent man who has ever lived and died in the state of Michigan.

Judge Christiancy was an honor to our Supreme Court and to every member of the bar; he was beloved by every lawyer in the state of Michigan; his memory is warm in the hearts of the lawyers of to-day; and I believe we ought to do something that will speak for him and his memory. Let us do it in a way so that it will be understood by the state and by the lawyers of the state that we have a fond recollection of him and that it is because he was so worthy that we seek to perpetuate his memory.

President: Your motion is that the committee be continued to carry out its recommendation with a view of having something fitting to the memory of Judge Christiancy placed in the State Library.

Judge Van Zile: I desire to say that at the last meeting of the association when the committee was appointed it was the understanding of the association that the monument was to be paid for by popular subscription, and there appeared to be

no question at that time but that the money could be raised in that way.

Mr. Landman: The resolution offered last year reads as follows: "Resolved, That a committee of five of this Association, to be known as the 'Christiancy Monument Committee,' be appointed to contract for a suitable parcel of ground where the remains of Judge Isaac P. Christiancy now repose, and to solicit subscriptions from the lawyers of the state to purchase said land and erect a monument thereon to his memory." The resolution as read was carried.

President: Those favoring that motion will signify it by saying, "aye"; the opposite, "nay." Motion is carried.

What is your further pleasure, gentlemen?

Secretary: There are other reports.

President: The report of the Memorial Committee will be next in order. Judge Cahill was called away; the report will be read by the secretary.

(See Appendix for report of Memorial Committee. Hon. Edward Cahill, Chairman.)

President: If there are no remarks, the report of the committee will stand adopted, as read.

President: The report of the Committee on the Medical Expert Evidence Bill.

(See Appendix for report of Committee on Medical Expert Evidence. Hon. Willis B. Perkins, Chairman.)

Judge Perkins: I will say that three days were spent in Lansing with a stenographer looking over articles and the various literature upon this subject, and the stenographer has written out what was dictated to him there—the sum and substance of the articles examined at that time—and we have them here and they will be filed with the Secretary of the Association for the benefit of those who may be interested in the subject, and I assure you if you examine the literature you will become interested. We have had several papers read before this Association on this subject. Mr. Samuel T. Douglas presented a paper last year recommending somewhat radical reforms. Dr. Herdman in 1900 presented a very full paper on this sub-

ject, also taking a radical view of the question. The articles and extracts gathered are particularly to the point, so that a few moments' examination will show the arguments pro and con upon this subject. From the reading of the bill you will see that the committee has endeavored, so far as possible, to take a conservative view of the question, and my own judgment is that it has taken the proper one.

You will also find, if you look over the literature upon the subject, that the chief objection raised constantly is to the expert becoming practically counsel in the case. The compensation which he may, and doubtless does receive, places him in a position which brings his testimony into discredit not only with the bench but with the bar and with the public generally. The committee was of the opinion that if his compensation should be fixed by the court after he had testified, there would be at least some sort of limit placed upon the objectionable power of the expert witness. And this seems to be the general opinion of those who have given the subject consideration.

Now, I would be very glad to answer any questions that may be asked upon the subject, for I really think it is a subject worthy of consideration by this Association, and it may be that the committee has gone beyond the powers which were granted to it a year ago in the resolution that was adopted. I might say this, also, that Mr. McCarthy, Chairman of the Judiciary Committee of the House, Mr. Brown, Chairman of the Judiciary Committee of the Senate, and Mr. Mapes, member of the legislature from Grand Rapids, each gave this question earnest consideration, and it was through their efforts and others, that the bill was passed through the two branches of our legislature, and to whom we desire at this time to extend our thanks.

Judge Shepard: I move that the notes and the report of the committee be approved and the thanks of the Bar Asso-

ciation be extended to them for their faithful services and the effective work they have done.

Mr. Chandler: I move an amendment, that the name of Mr. McCarthy, who assisted in getting it through the House, be added.

President: He is a modest man, but he is a good man, nevertheless, and I take it that Judge Perkins included Mr. McCarthy when he mentioned the names of Mapes, Brown, "and others."

Judge Shepard: We will add the names of the legislature who so cheerfully assisted the committee.

President: Do you accept the amendment, Judge Shepard?

Judge Shepard: Yes.

President: You have heard the motion in its final form. Those in favor of it say, "aye"; the contrary, the opposite sign. Motion carried. This a subject that it would be well to discuss and I invite discussion upon it. Judge Perkins is full of information and is ready to answer any inquiry that may be asked upon the matter.

Mr. Chandler: Mr. President, I don't know that there is anything that I can discuss after that paper. I am not in the habit of throwing boquets, but it seems to me that that is a remarkably fine piece of legal machinery they have gotten up. The only thing I could have added to it is the qualification of an expert. I don't see anything in the bill in regard to qualification.

Mr. James H. Kinnane: I feel like saying that not only the bar, but the litigants and the people of the whole state are indebted to this committee. In my judgment, this legislation is the greatest step in the line of legal reform in the last fifty years of the history of the state. With reference to what my friend Mr. Chandler has said in regard to the qualifications of the expert not being designated or mentioned in the

law, I feel that it should be left where it now is, that is to say, to the discretion of the trial judges. The cross-examiner of the expert has the right to question him before he opens his mouth as to opinion evidence, and in that way test his qualifications and reduce him to his proper proportions, and object to these qualifications, if he sees fit, and take a ruling from the Court. The reason expert evidence has been in such disrepute as it has lies in the fault of the system itself rather than in the expert. The theory of expert evidence is that it is necessary to present something which would otherwise be beyond the comprehension of the ordinary layman and the system has been such that the expert has been a partisan, inevitably, as Judge Perkins has said.

The problem, so far as I have noted it in my limited practice, is nowadays to get any serious consideration of expert testimony by the jury. If a man is inclined, as I think all of us are, to take a sort of post-mortem interest in his cases after an adverse verdict, he can often find something to his advantage by talking with members of the jury who have beaten him, and in doing this, he will often find in cases where so-called expert evidence has been admitted, that the jury give it practically no consideration in making up their verdict. This I have particularly noted in malpractice and homicide cases, and from my experience, if I were to presume to offer a suggestion to our trial judges, it would be that they adopt a more peremptory note in instructing juries as to this character of evidence. In other words, to emphasize their instruction to the end that expert or opinion evidence shall not be flippantly or totally disregarded by jurors as it so often is. So I say as a matter of legal reform, as a matter of utility in the practice, and in the adjudication of cases, either of negligence, homicide or any other kind of cases, involving the necessity of opinion evidence, this act, Mr. President, is a splendid step in advance.

President: Any further remarks? If there is nothing further, we will proceed to the subject of miscellaneous business.

Judge Shepard: I move that that part of the President's address referring to the consolidation of the statutes be referred to the Committee on Legislation and Law Reform, to report upon at the next meeting.

President: Are you ready for the question? All in favor of the motion signify it by saying, "aye"; contrary, the opposite sign. Carried.

Mr. Pratt: I desire to present the following resolution:

Whereas, the large and increasing volume of local and special legislation is, in the opinion of this Association, unduly absorbing the time and attention of our legislature, and the practice of adopting special acts applying to a single business or industry is obtaining in matters which could be more properly treated by general laws;

And whereas, this Association believes these practices to be fraught with serious danger, and sometimes result in legislation that might be characterized as vicious in its effect, especially in the matter of local legislation relative to the government of municipalities;

Therefore, resolved, that this matter be referred to a committee of three to be appointed by the Association to investigate the subject, and instructed to report its findings and recommendations at the next meeting of the Association. The general purpose being to devise and report some practical method by which this evil may be reduced to a minimum.

President: The resolution is subject to remarks, gentlemen. Not hearing any remarks, I will put the resolution. All in favor of the resolution signify it by saying, "aye": Those opposed, the contrary sign. The resolution is adopted. The resolution provides that the committee be appointed by the Association. That matter might be disposed of now. Make your nominations, gentlemen.

Judge Perkins: Mr. President, I move that the President

appoint that committee, making Mr. Pratt chairman of the committee.

President: It is moved and supported that the President appoint the committee, naming Mr. Pratt as chairman. Those favoring the motion will signify it by saying "aye"; the contrary, the opposite sign. The motion is carried. The report of the Treasurer.

Mr. Landman: Mr. Denison is unable to be here; I have his report, which I will read.

(See Appendix for Treasurer's Report. Arthur C. Denison, Treasurer.)

President: What shall be done with this report?

Mr. Clute: I move the report be approved, accepted and filed.

President: Gentlemen, you have heard the motion. All in favor signify by saying, "aye"; those opposed, the opposite sign. Carried.

President: I wish to call the attention of the Association to the matter of compensating the Secretary; the amount has been fixed for some little time at \$200 per year. The services are efficiently performed and are well worth that amount.

Judge Van Zile: What is the balance in the treasury?

Secretary: The balance on hand at the present time is \$23.35.

Mr. Chandler: I would like to inquire how many are in arrears for dues. I don't know whether that report has been made yet or not.

Secretary: The dues are pretty well paid up, still if all were paid up in full I presume there would be \$300 or \$400 on hand.

Judge Van Zile: Was the Secretary's salary fixed last year?

Secretary: No, it is fixed year by year. Last year it was \$200.

Mr. Pratt: Wasn't the resolution passed at Lansing fixing it for the year now closing? I think it was.

Judge Van Zile: I move you that the salary of the Secretary be fixed at \$200 per year and remain at that amount until otherwise ordered, commencing with the year 1904-5.

President: You have heard the motion, gentlemen, are you ready for the question? All in favor of the motion signify it by saying, "aye"; the contrary, the opposite sign. Carried.

The report of the Committee on Nominations is next in order.

Judge Perkins: Mr. President, your Committee on Nominations respectfully report: For President, William G. Howard, Kalamazoo; for Vice-President, Arthur C. Denison, Grand Rapids; Secretary, W. J. Landman, Grand Rapids; Treasurer, William K. Clute, Ionia. Directors: First District, Frank E. Robson, Detroit; Second District, Thomas A. Wilson, Jackson; Third District, Joel C. Hopkins, Battle Creek; Fourth District, Orville W. Coolidge, Niles; Fifth District, George A. Farr, Grand Haven; Sixth District, John J. Carton, Flint; Seventh District, William A. Brown, Lapeer; Eighth District, Lorenzo T. Durand, Saginaw; Ninth District, H. J. Hoyt, Muskegon; Tenth District, J. J. McCarthy, Standish; Eleventh District, L. G. Palmer, Big Rapids; Twelfth District, A. T. Streeter, Houghton.

President: What shall be done with the report?

Mr. Chandler: I move the report of this committee be accepted and adopted.

Judge Van Zile: I see no reason why we could not embody in the same motion a declaration that these officers be elected.

Mr. Chandler: I accept the amendment.

President: It is moved and supported that the report of the committee be accepted and adopted and that the officers named in this report be declared elected to the several offices.

Those favoring the motion will signify it by saying, "aye." (Opposed, "no". The motion is carried and the new officers elected. What is the further pleasure of the Association?

Mr. Landman: I wish to move that the secretary be instructed to convey to the officers and members of the Bay County Bar the sincere thanks of the Michigan State Bar Association for the excellent entertainment furnished and for the magnificent banquet to which we were treated, last night.

Judge Sharpe: It is a great pleasure for me to support the motion made by the Secretary. We, of the upper country, come to look upon Bay City as our commercial metropolis; we come here so often that it is nothing unusual for us, but it is something the bar of the state have not had the opportunity of enjoying. Every time you come here, when anything is going on, you are always sure of this same treatment.

Judge Van Zile: I think the whole state should be included in that remark, as we have all had the same experience here.

President: Are you ready for the question? Those favoring the motion made by Mr. Landman, signify it by the usual sign. The motion is carried. What further business is there to come before this Association?

Judge Sharpe: I move we adjourn.

President: Before the motion is put I wish to thank the members of the Association for their courtesy and good attention, and for the kindly feelings which have been manifest toward all the officers of the Association and toward the Bay County Bar Association. I wish the Association a happy and prosperous future.

A motion to adjourn has been made. All in favor will signify it by the usual sign. Motion carried.



Appendix.



PRESIDENT'S ADDRESS.

The Common Law and the Statute Law in Michigan.

HON. CHESTER L. COLLINS.

In presenting this subject for your consideration, I must advise you that no claim for originality can be made for anything in this paper. The most that can be claimed for it is that it brings together, for consideration, well understood views, and that in it an attempt is made to arrange and digest them. I must ask your indulgence, at the outset, as an introduction to views to be presented later, in laying before you considerations which are elementary in character.

In Michigan, as one of the commonwealths of the United States, the law which governs our people is a comprehensive system: the divisions of which as to history, sources and contents are different. This system, as a system, contains within it two well recognized divisions:—the common law and the statute law. To further particularize, and more minutely describe these divisions, they may be arranged in the following divisions and sub-divisions, stated in the order of their precedence and legal effect. First division, Statute Law; second division, Common Law. Further considering the particulars of the first division, and arranging its sub-divisions in the order of precedence, they are as follows: 1st, The Constitution of the United States; 2nd, the Treaties made in pursuance of the Constitution of the United States; 3rd, the Laws of Congress, made in pursuance to the Constitution of the United States; 4th, the Constitution of the State of Michigan; 5th, Statutes of the State of Michigan; and 6th, that division of the statutory law in effect in cities, under the general name of ordinances.

This brief statement sets forth a sufficient description of the divisions and sub-divisions of our universal and comprehensive system of law, to answer the purposes of this paper. As a historical question, treating the divisions in the order of their growth and development, the Common Law, of course, is first in the order of time.

The Common Law, in its sources, form and system, is practically the same in the State of Michigan as in most of the other states of the United States, so that what is said here is, in the main, applicable to the other states of the union. At the same time, it is the object of this paper to treat, particularly, of the law system of this state, only.

It is worthy of remark, however, that the common law in the different states is not in all respects the same. Each state of the United States, of those states which have a common law system, has in effect, its own common law. That is to say, in each of these

jurisdictions, there are differences in the common law doctrines, while the jurisdiction at the same time follows and claims the common law as its foundation. It is another peculiarity of the common law of the United States, that, with an exception hereinafter pointed out, there is no such thing as a United States Common Law. The Courts of the United States, while administering the law in the different common law states, recognize the common law, as it exists therein. It is also a peculiarity of the common law, as administered in the State of Michigan, that it excludes English statutes. As has been said by Mr. Justice Campbell. (In the matter of Lamphere, 61 Michigan, 108). "Michigan was never a common law colony, and while we have recognized the common law as adopted in our jurisprudence, it is the English common law, unaffected by statute." The idea of the common law, as it exists in Michigan, has received further expression in our courts. Thus, in *Stout v. Keys*, 2 Doug. 184, it is said, "The common law is in force in this state, except so far as it is inapplicable to, or inconsistent with, our statutes and decisions." And Mr. Justice Marston, in *Perry v. Lepper*, 34 Michigan, 295, speaking for the court, approved the following extract from the opinion of Story, J. in *Van Ness vs. Pacard*, 2 Pet., 144. "The common law of England is not to be taken, in all respects, to be that of America. Our ancestors brought with them its general principles, and claim it as their birthright; but they brought with them and adopted only that portion which was applicable to their situation."

In Michigan, and in all of the common law states, the Common Law system is distinguished from many other systems of law, in that it is a system of principles, which is no where found in concrete form. The decision of the common law courts, which rise to the dignity of precedents, and into which we look for the principles of the common law, are only evidences of what the common law is; and, in Michigan, when we look for this evidence of the common law, we turn to the English common law decisions prior to July 4th, 1776, and all of the English common law decisions since then, and to all of the Michigan and federal common law decisions of the courts. But these decisions, and the points therein decided, do not make the common law. It is the weight of the reason of the decisions which controls. On any given point it is only the weight and the reason of the authorities which is the common law on that point. In respect to the common law, as compared with statute law, in cases where statutes have been enacted covering some part of the common law, and when such statutes have subsequently been repealed, such repeal of the statute renews the common law in force as it was prior to the statute, unless the repealing statute declares to the contrary.

Before the Constitution of the United States was enacted, and before any statutes were passed in Michigan, after it became an

English possession, the common law existed and was the governing body of law. So prevailing and influencing was it in the original thirteen and subsequent common law states, that the Constitution of the United States, and its statutes, have been construed as a part of a system of law of which the common law is the sub-stratum. The Supreme Court of the United States, per Mathews, Justice, says: "The code of constitutional and statutory construction, which is gradually formed by the judgments of this Court in the application of the constitution, and laws and treaties made in pursuance thereof, has for its basis so much of the common law as may be implied in the subject, and constitutes a common law, resting on national authority." (Smith v. Alabama, 124 U. S., 465, 478).

It is another peculiarity of our general system of law, that when any statute exists, the common law, to that extent, is displaced.

This brief and fragmentary description of the common law, as it exists to-day, gives a very faint idea of its history and character. Much has been written about it by eminent jurists and writers, and it is not too much to say, as a system of law, its principles and growth are wonderful, and worthy of the many high eucommiums that have been passed upon it. As a system of reason and justice it is worthy of praise; but, it is submitted, that the most remarkable thing about this system is, that it has been worked out as a result of argument by counsel, before hundreds of courts and for hundreds of years; that every time an issue of law has been presented to a court which involved a common law question the decision of that court, and the decision of the appellate court in same case, which becomes a precedent on common law questions, is a decision which has been reached after full and able argument by counsel, and after full consideration by the courts. Each common law principle has been worked up in form and details. It is the result of conflict and contest upon the principle involved, and of the deliberations and considerations of courts in making decisions.

This common law, then, is a set or system of principles, not found anywhere in any final form; the only means by which it can be enlarged, modified or changed, in this state, is by the decisions of the Supreme Court of the state, and the field for such change is narrow. The common law courts explain the common law, and by their decisions make precedents of what the common law is, but the common law courts cannot make law.

Turning from the common law of Michigan to the statute law of Michigan, and for that matter, comparing the common law with the statute law. While eminent writers and jurists exhaust their ingenuity and rhetoric in finding eulogistic terms to describe the common law, little, if anything, is said, or written in favor of the statute law. In fact, the statute law, and the statute law makers, seem to

have no friends in court, or anywhere else. A disinterested observer, comparing the volume of encomium passed upon the common law with what is said to disparage the statute law, would say that, as between the two, the common law filled the most space and was the greater in volume and effect of our great system of law. But, it is submitted, the underlying idea of this thought is incorrect, in every way; and it will be my purpose, very briefly, to call attention to the statute law, as compared with the common law, in volume, use and application. In point of quantity, reference is made to our compiled statutes and the session laws. I do not wish to be understood, by this comparison, as referring to the quantity of the statutes, as they appear upon the books, because the quantity might, as will be hereinafter shown, be greatly reduced, with the result the same, as to the extent of the field occupied by the statute law. But the point, to which I wish attention directed, is the extent of our statute law as compared with our common law in our whole field of law as a system. Upon this point, this paper cannot go into details, but reference is made to our administrative law, which is practically all statute law; to our criminal law, which is all statute law—no common law crime being recognized in Michigan; and to our practice acts, which to a very great extent, cover the field of practice. But this matter may be presented in a very practical way. Let any one make an examination of any volume of the late Michigan Reports, or, for that matter, of any volume of the reports of the Supreme Court of the United States, or the Court of Appeals, and, it is submitted, that such an examination will show that as to actual points which come before these courts for consideration and decision, more points turn upon statute law than upon common law. Of course, this particular point is not a subject of mathematical demonstration, but the truth of its main proposition will be established by the examination suggested. It is, therefore, submitted, that, judged by the test of actual use, the statute law is of much greater use, and to a much greater extent prevades, governs and regulates the life of the people, than the common law.

There is one great and practical difference, however, between the common law and our statute law. As has been before stated, nothing can be done by the bar, either individually or as an organization, or by learned jurists or text writers, to improve the common law. Its principles exist to-day as they have existed for years, and they will continue to so exist, except in so far as they may be modified and improved upon by statutory enactments. While that is true, it is also true that improvement can be made in our whole system, composed of these two great divisions, by the improvement of the statute law—in its form and in its contents. Such improvement

is well worthy of the attention of the bar, as individuals and as associations, and of the learned text writers and jurists.

Our system of statutory law, in Michigan, as to form and arrangement, is only fair; but, the body and contents of our Michigan statute law, so far as their provisions go, average well with those of the other states of the union. In fact, it may be said, that we have a good system of statute law. The system, as a system, however, has many grave defects. It is not a well arranged body of law. Logical and orderly arrangement means much, but, at the same time, too much consideration may be given to it. Its proper arrangement is not all important, but the quality and contents of its different subdivisions are of pre-eminent importance. Our statutes have other defects in that they are redundant; that there are many provisions, in many instances, covering the same point; and in many points there are repetitions upon repetitions. Our Statute books are full of local, special, temporary and obsolete provisions. A simple consolidation and re-arrangement of our statutes would reduce their volume from one-third to one-half, without omitting a single provision, and would greatly improve the statutes and a proper understanding thereof.

It is also a peculiarity of our statutes, as compared with the common law, and the parts of the common law which they cover, that they are very irregular in the extent to which they encroach upon, or occupy, the field covered by the common law. On some subjects the common law is left almost wholly unaffected, and on a great many subjects the completeness with which the statutes cover the common law, and the points embodied therein, is as great as in the so-called codes. Illustration of this may be found in Chapters 62, 63 and 64 of the Revised Statutes of 1846, covering the general subject of real property, including "Estates in Real Property," "Uses and Trusts," and "Powers." These important statutes cover the general rules of law upon the subjects thereof, having remained without change upon our statute books since the enactment of the revision, in 1846. The chapters upon ejectment and replevin, and other chapters covering parts of the practice, are equally as broad. The act passed by our last legislature, known as the "Negotiable Instrument Law," comes within this same general description. From what has been said, it is submitted, that our system of statute law, considering the field which it covers, and its influence upon the life and work of our people, is the Peoples' law; it is an extensive and meritorious system of law, and, it is submitted, it ought to be one of the missions of each lawyer who has a love for his profession, and of the bench, individually and collectively, to devote thought and work to improve this division of our law. Upon that point some further considerations are herewith submitted.

Of course, it is only by and through the legislature that statute law can be created; the legislature is the only body by which statute laws can be passed. While this is true, it is equally true, that the legislature can be legitimately assisted in the enactment of good statutes, and in the improvement of our statutory system of law. One thing, apparent to the most casual observer—and it is a deplorable fact—is that our legislatures receive very little credit for what they do in the enactment of most of the statutes passed by them, and that when a legislature and its work is spoken of, or written about, they are generally treated contemptuously. It is submitted, that this is a great wrong and an injustice, and some attention will be given to this thought. It is a saying, that legislative sessions are too long; that it would be a blessing to the people if they were shorter, but, it is submitted, that this idea is fallacious. A legislature ought not to be judged by the time it occupies, in any session. It should be judged by the work actually turned out—by the result of its labors. No session is too long that continues in doing good legislative work. Any session is too long that is not engaged in such work, and every legislature should remain in session long enough to enable it to properly dispatch the business that comes before it. It is also said, that each legislature passes too many laws, and this too, is fallacious. The matter of the number of laws, be they more or less, passed by any legislature has nothing to do with the merits of the case. One bad law is one law too many, but there is no such thing as too many good laws. It is a credit to the various legislatures of this state that each successive legislature adds to the volume of good working statutes. As examples of such, among others, I cite Act. No. 253, of the Session Laws of 1899, establishing and confirming the jurisdiction of Probate Courts over Testamentary Trusts and Trustees, and the act of our last legislature, known as the Negotiable Instruments Law. It is submitted, that a consideration and careful study of the session laws of the different legislatures of the state of Michigan will show that the legislatures have not received the credit to which they are entitled; that each session has shown, as a result of its labors, a number of valuable and important statutes—statutes that work for the good of the people, in many ways; and that, after all just criticism has been considered, much remains to the credit of the various legislatures in the way of a large body of carefully considered and carefully worked out statutes.

But, it is further submitted, that the statutory system of law, of the state of Michigan, ought to be enlarged and improved, in form and in contents. As a practical way of accomplishing this purpose, it is submitted, that the legislature ought to provide a commission, to prepare and report to the successive legislative sessions, amended, revised and consolidated statutes. It is not necessary that it be

assumed, at the outset of the work of such commission, that the legislature should have in mind a complete revision of the statutes of the state. This commission should be required to report to the legislature, from time to time, such portions of the statutes as it thinks worthy of being consolidated; the bills, drawn by such committee, should be drafted and completed in such a way as not to be obnoxious to the provision of the constitution that "no law shall embrace more than one object, which shall be expressed in its title." Each of these various bills, as prepared, should be complete and well arranged, and should be in harmony with some pre-arranged plan of the statutes; so that, when any compilation of our statutes is published, the consolidated statutes, as enacted, would fall in some natural and logical order. It might be argued that a commission of this kind would be an expensive affair, but, upon that point, the matter could be provided for by the legislature placing a limit on the expenditures, between sessions. It should be remembered, also, that this work, as it progressed, would reduce the volume of statutes, and the expense of printing them in the various compilations as they are issued, from time to time. It may be remarked, also, that the cost of preparing and printing unnecessary, redundant and superfluous statutes in the compilation of 1897 was very great; that this extra expense would pay the expense of a proper commission for a long period of time. It may, also, be argued that this plan would extend over a long period of time. This, of itself, would not be objectionable, the commission, preparing the bills for the legislature, would have them prepared, for introduction, at the next coming session of the legislature, and, the legislature, through its different judicial committees, or committees of statutory revision, could have these bills examined, and enacted, without interfering with the general work of the legislature, or without extending the time of the legislative session. As enacted, these laws would take their place in the session laws, and find their place in the next successive compilations of the statutes. Furthermore, this would be in accordance with the practice by which statutes have been enacted in this state, and would be in accordance with the theory of the constitution, which provides against a general revision of the statutes. The idea which is deducible from the Constitution, is that it was intended that the various bodies of statute law would be considered by the legislature as enacted, and became a part of our system of statutory law, as a matter of growth, improvement and development.

This matter, of a proper consolidation of statutory law, is considered everywhere as a matter of very great importance. Many of the states of the United States have enacted revisions, consolidating their entire statute law. The Congress of the United States, in 1873, passed an act consolidating the statutory law of Congress; this act

was one which had been prepared by a commission, which had been sitting for five or six years. For the past five or six years a committee has been at work upon a second revision and consolidation of the statute law of the United States. The work is practically completed. It is expected that in its final form it will be submitted to congress, for its action, at the beginning of its next session. This information is brought forward in proof that the subject is one of importance.

The method outlined would have many advantages in the improvement of our statutes. The commission could, as such commissions have done in other states, make a first draft of each proposed bill and submit it to the heads of departments and proper officials of the state, and to the bench and bar of the state, for suggestions as to improvements in contents and form. After receiving such suggestions, the final draft would be prepared for submission to the legislature. It ought to be pleasant duty, for members of the bench and bar, to give time and attention to such work, and in this way aid a commission in its labors.

A suggestion or two might not be out of place, as to matters upon which a commission should operate. It might, among other things, examine those points of the common law upon which there is a conflict in the courts. There are many such disputed points, and, by statutory enactments, these questions might be settled. Furthermore, on many points, the common law does not embody the best doctrine. In other words, upon many points, the common law could be improved upon; upon such points it would be proper for such a commission to bring it to the notice of the legislature, by proper bills.

Another field for action, in respect to statute law, is the enactment of general statutes, covering special topics thereof. For instance, there is no reason why the law of real estate mortgages, the law of chattel mortgages and the law of partnership, might not be embodied in bills and passed as statutes; this matter is worthy of the consideration of all. The Negotiable Instrument Law is a law passed upon one topic of the common law. The real estate statutes, above referred to, are other illustrations of the same character. There is no reason why statutes, just as good and useful as those, upon the above points, might not become a part of our statutory system.

Outside of these suggested points, however, the great business of such commission would be to consolidate existing statutes. The final action, however, in the passage of any such laws would still rest with the legislature. These bills would not become law until the legislature passed upon them and the preparation of, and the bringing to the notice of the legislature, bills prepared in the manner above indicated,

would not be an encroachment upon the well understood duties of the legislature.

The field suggested would be that field of law which effects the body of the people, but which would not, necessarily, appear in the newspapers. There would be nothing sensational in this work. Outside of bills thus prepared and presented, the great field for legislative action would be left untouched. The legislature would still have the time that it now has for discussion and the exercise of its ability upon the great, constitutional, growing and important questions coming before such bodies. The great question of taxation, and other great economic and political questions, which are before the people, offer a field for the full exercise of the ability and ingenuity of the legislature. The work indicated might proceed, so far as the commission is concerned, and so far as the legislature is concerned, without attracting attention, and without taking the time of the legislature from other matters of legislation.

It is most respectfully submitted, that our statute law is worthy of more study, and of more thought, and of more praise than it has received, and I most respectfully and most earnestly urge the attention of this Association to this subject.

REPORT OF COMMITTEE ON GRIEVANCES.

Gentlemen of the Association:

Your Committee on Grievances can report but little work done during the year.

The report of 1904 showed that proceedings had been commenced against Thomas F. McGarry, a member of the Kent County bar, to disbar him because of conviction of crime in a matter of official trust.

The Attorney General took charge of the matter and the same is still in his hands. The respondent was successful in having the hearing upon the petition deferred, and it has not been reached at this time, but the Attorney General will proceed in the matter we trust without delay, and your committee believes the bar will be relieved of his membership. We have taken the matter up with him and urged him to call it up at as early a date as possible.

Your committee also investigated the case of one Harry LeRoy, a member of the Saginaw County Bar and found he had pleaded guilty to a charge of violating the liquor laws by keeping open a saloon on Sunday and referred the same to the Attorney General, who proceeded against him and procured an order disbaring him in October, 1904.

Certain dishonest practices in his business as an attorney were reported to your committee against a member of the bar of one of the southern counties, by the collection agency of R. G. Dunn & Co. Before proceeding in the matter we had the assurance of the company that all their relations with the attorney were settled, and they told us their attorney at the same point would give us all the needed information. On making inquiry of him he refused to reply to our communications, and the matter rests in that condition.

We decided that if the collection agency was endeavoring to interest your committee for the purpose of aiding them in collecting any defalcation we would not interest ourselves in the matter, in keeping with the settled policy of the committee; but were willing to investigate if that was not the purpose of the complaint.

The refusal of the local attorney to give the facts within his knowledge is another evidence of the disposition of local men to not have any hand in any proceedings against their professional neighbors and as a rule information must be procured in some other way.

The committee is gratified for the readiness with which the Attorney General has always responded to the desire of the com-

mittee, and his promptness in proceeding with all matters referred to him is appreciated.

All information in our hands in matters not concluded will be turned over to the committee for the coming year. We believe members of the bar should not shrink from giving any and all information in their possession against any member of the bar who has been guilty of such practices as disqualify them to hold a place in the profession.

Let it be known that the members of the bar are determined that dishonesty in the practice of the profession will be in no case tolerated, and the bar will continue to rise in the mind of all the people

All of which is respectfully submitted.

C. W. PERRY, Chairman.

DIRECTING A VERDICT.

By Hon. Nelson Sharpe.

It is not my purpose to present to this gathering of trial lawyers a brief on the question as to when a verdict should be directed by the trial judge.

While it will be found that a slightly different rule prevails in the different state jurisdictions, it seems well settled, that a verdict should never be directed when there is a conflict in the testimony, however slight, upon a fact material to the issue which is being tried.

It is said that evidence has a two-fold sufficiency—a sufficiency in law and a sufficiency in fact. Under the former it is necessary for the trial judge to determine whether, as a matter of law, the facts established by the evidence entitled the plaintiff to recover? And, under the latter, the question is whether the evidence offered is sufficient as a matter of law to prove the fact or facts essential to a recovery. The question as to the sufficiency of the evidence as a matter of law is, I apprehend, much the less difficult of the two for the trial judge to dispose of. In it the facts are practically conceded and the issue is a purely legal one. The judge is in no way asked to weigh the evidence or decide upon its sufficiency to prove the facts. His decision is akin to that on a demurrer to a declaration or bill in equity.

The question, however, as to whether or not the evidence offered in support of the fact sufficiently tends to prove it, to entitle it to be submitted to a jury, has been a matter of much discussion, and has resulted in no little lack of uniformity among the authorities. In deciding this question there is much danger of the court usurping the functions of the jury. And, so strictly are the rights of litigants to have all questions of fact determined by a jury, construed, that in some jurisdictions, notably in Tennessee and Georgia, it is held that under their constitutional provisions the direction of a verdict as to matters of fact is in all cases improper. In other courts it is laid down as the rule that where there is even a scintilla of evidence tending to prove a material fact in dispute, its sufficiency must be submitted to the jury. I submit, however, that the better rule is as stated by the Federal Court, in *Pleasants vs. Fault*, 22 Wall. 116, "If the Court is satisfied that, conceding all the inferences which the jury could justifiably draw from the testimony, the evidence is insufficient to warrant a verdict for the Plaintiff the Court should say so to the jury." The testimony of a witness may be so highly improbable as would cause a court to find that it did not "rise to the

dignity of proof" so that a jury would not be justified in drawing from it a conclusion that it established sufficient proof of a certain fact.

The test which is now frequently employed is whether, if submitted to the jury and a verdict rendered for the plaintiff, the court would feel compelled to set it aside as contrary to the evidence. If the judge so determines, and the right to recover is dependent on the proof of a single disputed fact, I submit that a verdict should be directed.

Under our practice, both of the questions I have suggested, viz: Are the facts established by the evidence sufficient as a matter of law to entitle the plaintiff to recover? And, is the evidence offered sufficient as a matter of law to justify a submission of the case to the jury?, are raised by a motion to direct a verdict. I have long been impressed with the necessity of a change in the practice in this respect. I do not believe it conducive to the prompt disposition of matters in litigation, nor fair to the trial judges.

In a case recently decided by our Supreme Court, (*Milbourne vs. Arnold Electric Power and Station Company*, 12 D. L. N. 177), the right of the plaintiff to recover hinged upon the question of his contributory negligence. The trial judge submitted this question to the jury who found for the plaintiff. A motion for a new trial was made on the ground that under the testimony a verdict should have been directed for the defendant. On the argument of this motion the trial judge became satisfied that the case should not have been submitted to the jury, and set the verdict aside. The opinion of the court then states: "Upon the stipulation of the parties that, 'if the evidence offered' showed 'as a matter of law that the plaintiff was not entitled to a judgment, that a new trial was not desired by plaintiff,' and that upon the other hand 'if the evidence warranted the jury in finding a verdict for the plaintiff the judgment heretofore entered for the plaintiff should stand affirmed,'" the trial court entered judgment for the defendant, "subject, however, to the right of the plaintiff to have said judgment reviewed by the Supreme Court." After a consideration of the question involved, the majority of the court held that under the evidence the question of the contributory negligence of the plaintiff was for the jury and, on the stipulation, reversed the judgment entered by the trial judge for the defendant and entered one for the plaintiff in accordance with the verdict of the jury.

Now, I submit that the rules or the statute, if necessary, should be so amended as to permit trial judges to do, of their own motion, what was accomplished in the case cited, by the stipulation of the parties. These questions usually arise in personal injury cases where

a considerable number of witnesses have been sworn and a lengthy trial has been had and I apprehend that judges frequently permit cases to be submitted to the jury in which, if sitting as a justice of the Supreme Court, they would have held that the plaintiff could not recover. They are impressed with the fact that much expense has been incurred and that the plaintiff, who is usually a next friend or an administrator, can ill afford the expense of a new trial in case the appellate court should hold them entitled to recover.

If the law permitted the trial judge to submit the case to the jury to determine the amount of the plaintiff's damages, and then, after the rendition of the verdict as to such damages, allow the defendant's counsel to move for judgment, notwithstanding such verdict, on the ground that as a matter of law the plaintiff should not, under the facts established by the proofs, be permitted to recover, the trial judge could give that deliberate consideration to the question and the authorities cited which is not practical during the pendency of the trial before the jury. Counsel could also be much better prepared on the argument of such a motion, made at some convenient time after the rendition of the verdict. The defendant's counsel frequently has but little knowledge of the proofs which plaintiff will offer until they are submitted and is but little prepared, on practically a moment's notice, to submit authorities which bear upon the question. It is not at all unusual for such a case to be reversed for reasons and because of authorities, to which the attention of the trial judge has never been called.

I recall a case in which after the testimony has been closed and the plaintiff's counsel had risen and began his address to the jury, he turned to the court and suggested that he desired the record to show that he asked the court to direct a verdict in favor of the plaintiff. He stated that he did not desire to argue the motion and on its being denied by the court, proceeded with the argument. The jury found for the defendant and, on appeal, the judgment was reversed on the ground that a verdict for the plaintiff should have been directed.

The practice, as at present, tends greatly to encourage trial judges to deny motions to direct a verdict with but little, if any, consideration. The thought suggests itself to them that the case will doubtless be appealed and, if so, it is better that the damages should be assessed so that in case it be held that the plaintiff ought to recover no new trial need be had. This does not give litigants the advantage of that calm and deliberate determination of the legal proposition involved, by the trial judge, to which they are entitled and, in my opinion, tends greatly to encourage appeals. In overruling the motion the judge frequently expresses his conviction that the decision is a doubtful one. That he is not clear as to plaintiff's right to recover, but

deems it his duty to give him the benefit of the doubt. I apprehend that it would be considered quite out of taste, if not highly improper, for a judge of a court of last resort to use any such reasoning in deciding a legal question. And why not equally as much to be condemned in a trial judge?

While it is necessary that questions relative to the admission of evidence should be determined with reasonable promptness there is, in my opinion, no reason why our practice should seemingly compel trial judges to pass upon the vital question on which the legal rights of the parties depend without an opportunity for due deliberation, and this cannot be had on a motion to direct a verdict.

It may be suggested that such questions can receive due consideration on a motion for a new trial. Such a motion was made in the case to which I have called attention. The trial judge, after hearing counsel and after opportunity to examine the authorities, concluded that he had erred in submitting the case to the jury and entered a judgment for the defendant. I suggest that it is perhaps doubtful whether he would have done so had not the stipulation been filed. All he could have done would have been to have granted a new trial and, unless absolutely free from doubt, he would scarcely have assumed the responsibility of doing so.

It is submitted, that an amendment, such as suggested, could work no injustice to anyone but would be in the interests of litigants and result in the more expeditious disposition of cases in which motions are made to direct a verdict.

REPORT OF COMMITTEE ON LEGISLATION AND LAW REFORM.

To the State Bar Association.

Gentlemen:

We acknowledge our appreciation of the honor conferred by your president in appointing us to membership on this committee. While we may not have accomplished all the work laid out for us by your recommendations, some results have been obtained; and be it said to the credit of the Michigan State Bar Association, that its influence when it recommends a measure is of great value.

I.

The Negotiable Instruments Law.

First in importance your committee has the honor to report passage by the 1905 Legislature and approval by Governor Warner, of the Uniform Negotiable Instruments Law.

Michigan now joins with New York, Connecticut, Colorado, Florida, Massachusetts, Maryland, Virginia, Rhode Island, Tennessee, North Carolina, Wisconsin, North Dakota, Utah, Oregon, The District of Columbia, Arizona, Pennsylvania, Ohio, Iowa, New Jersey, Montana, Idaho, Kentucky, Louisiana, Kansas and Wyoming, in having the substantive law governing negotiable instruments crystallized into one statute, in effect, covering the use of all commercial paper in these jurisdictions without change or alteration in any particular.

At the legislative session of 1903, passage of this bill was urged upon the recommendation of this association, but it failed to pass. Your committee, deeming this bill the most important of all in our charge, devoted itself, during the last session of the legislature to the advocacy of the merits of this bill, and persistently, in all legitimate ways, urged its passage. Early in the session it was introduced by Representative John J. McCarthy, and arrangements were made by him for a joint meeting of the Judiciary Committees of the House and Senate with your committee now reporting, and a very thorough exposition of this bill was made at this hearing on behalf of your committee by Hon. George W. Bates of Detroit. After the bill passed the House and was before the Judiciary Committee of the Senate, we being assured of a favorable report, the matter rested, until June 5th; the bill was favorably reported and passed by the Senate.

As concise a statement of the purpose and scope of this law as can be made is in the report of the Commissioners for Michigan on Uniform Legislation made April sixth, last, to Governor Warner. Of this law it says in part "It represents one of the most important move-

ments of the day along the line of law reform, and harmonizes the many conflicting decisions of the tribunals of last resort in the several states and in the United States. This subject of negotiable instruments and commercial paper, is one of the greatest importance to the mercantile community, for it is the principal medium through which the great majority of commercial dealings are transacted."

"The law is based primarily on the decisions of the Supreme Court of the United States, where they have ruled upon the questions involved, and upon the decisions of the Supreme Court of New York when not in conflict with those of the former court. It makes but little change in the law of Michigan, as the decisions of the Supreme Court of this state are quite in harmony with the decisions of these courts. In this law all the fundamental principles and essential definitions of the law of commercial paper—the law, in short, of some ten thousand reported cases is condensed into the thirty-six pages of this Act, and the disputed points discussed in the treatises and text books on the subject, are decided and harmonized. Its effect upon the law of Michigan is to abolish grace, which to-day is retained in this state, although abolished by law in thirty states of the United States. It also provides that the negotiability of a note is not destroyed by adding to it a provision providing for an attorney's fee, confession of judgment, waiver of exemptions or costs of collection, but it does not determine whether these provisions can be enforced but leaves that to be decided according to the law of the state itself. It simply declares that the sum named in the paper is a sum certain, although these provisions are added, and thus makes the note negotiable. It also makes a person who signs on the back of note as an indorser before the note is delivered by the maker, an indorser and not a joint maker, as is now the law of Michigan, and it also provides that a person who signs as an agent without disclosing his principal is not exempt from personal liabilities." No more important law was passed at the last session of the legislature than this one. The best interests of the commercial community in its dealings with negotiable paper are promoted by it. Inter-state commerce improved; doubt gives place to certainty, and confusion to uniformity, combined with substantial justice to all interests. Every effort was made by Representative McCarthy to secure the passage of this bill and the thanks of the association is due to the legislature and governor for its passage and approval.

II

Method of Compensating Justices of the Peace.

At nearly every meeting of this association for a number of years this subject has appeared, and the body has at each time, recorded itself as opposed in principle to the fee system of compensating jus-

tices of the peace for official acts connected with litigation and has recommended a fixed yearly salary as the better method of paying for judicial services incident to civil or criminal causes, thereby tending to render these courts independent of any one directly or indirectly interested in the commencement of a law suit before them or the collection of their fees contingent on the opinion or decision to be rendered, and, in a measure freeing these courts from any basis for a charge that is based on the sinister influence of the fee schedule.

At our meeting in 1904 you recommended that the next legislative committee submit to each board of supervisors the form of a resolution condemning the fee system for justices of the peace, and that the legislature be urged to take suitable action to put these officers on a salary basis. As soon as practicable after our appointment, we sent copies of exhibit "B" pages, 41-42, Proceedings of 1904, to each County Clerk in the state, and he was requested to present the same to the next meeting of the Supervisors. Returns came, from two, reporting one board for, and one against the plan.

This method of securing evidence of public opinion on the subject needs more time before the October session of the Supervisors, than was at our disposal. We recommend that the subject be referred to the next committee and that the report of the committee of 1904 touching this subject be indorsed, and that the Governor during the 1907 legislative session be requested to recommend the subject for legislative consideration, in his message. Some progress has been made in recent times but it has been chiefly local. Some of our cities have realized and recognized the correctness of our position.

In Detroit there are four justices of the peace with a salary of twenty-five hundred dollars each. Grand Rapids has two, salary thirteen hundred dollars. Jackson one, salary not less than six hundred nor more than one thousand dollars. Port Huron one, with one assistant justice; salary, not less than one thousand, nor more than fifteen hundred dollars, and the assistant not less than four hundred dollars, provided, that both shall not exceed \$2000. Saginaw, one, salary, twelve hundred dollars, and Ishpeming one, on a fixed salary.

Valuable suggestions are contained in the report of the special committee of 1904 appointed to revise article VI, of the state constitution, found on pages 24 to 26 of the proceedings of that year. We believe the work of placing these courts upon a higher plane of usefulness and making them instruments of justice and courts of merit should be the continued and persistent effort of this association, so that, as far as possible, the rich and poor, whether complainant or defendant shall get equal justice in these courts regardless of who pays the fees.

III.

Time For Arguments of Causes in Circuit Courts.

We recommend that a rule be prepared and presented to the Supreme Court, the Association respectfully asking its adoption, amending Circuit Court Rule 24, so that a fixed minimum time of at least one hour should be allowed counsel on each side for the argument of the causes in Circuit Courts; the present rule fixes it at one-half hour; beyond that, the length of time for argument is all in the discretion of the Circuit Judge. We believe that the discretion of the Circuit Courts in fixing this time should be regulated by such a rule fixing the minimum time for counsel on each side to at least one hour, unless counsel shall agree on a less time than the minimum such a rule may fix.

IV.

Legislation of 1905.

Your president has requested your committee now reporting to report on the subject of 1905 legislation.

At this writing we are not able to get precisely the number of laws passed during the last session, but at all events, there were at least 339 Local Acts, 332 General Acts, 20 Joint Resolutions, and one Concurrent Resolution. Copies of some of these laws are not now obtainable, the supply of printed numbers being already exhausted; a brief reference to the general nature of some that were passed will be made.

Railroad Legislation—Among the important laws is the one giving the right to the Attorney General in some of the state tax cases to demand the production of the books and papers of the railroad companies so that he may investigate by legal procedure what are the facts about their reports used as a basis for computing their tax. The right of the state to have this information cannot be seriously questioned.

The right of eminent domain is granted to electric railways, and they are also given the power to own and operate steam boat lines in connection with such roads.

Taxation.—The state tax commission is reduced to three members on November 1st, 1905, and their powers in the fixing of values over the heads of local assessing officers is considerably reduced.

Elections.—A local option primary election law was passed. As a discussion of this bill is a separate subject, more or less of a political nature, further reference is omitted.

Business affairs.—A standard fire insurance policy is enacted to take the place of the one held invalid by the Supreme Court, and an

act passed in 1836 forbidding the issuance of checks below the denomination of one dollar is repealed.

There are many other obsolete criminal statutes that might with great propriety be repealed.

A law is passed making it an offence to corruptly give, offer or promise an agent, servant or employe, or for such agent, servant or employe to corruptly request or accept any gift or gratuity or the promise thereof to influence him with reference to his principal's business. It is also by another statute made a felony for the officer, agent, clerk or servant of a voluntary or limited partnership association, incorporated company or of any of the municipal subdivisions of the state government to embezzle its funds. It is declared larceny.

Statutes relating to Courts and Practice.—The limit of time to appeal in chancery cases is extended to three months, and for cause shown it may be extended by the circuit judge one year.

Expert witnesses are limited to the same fees as ordinary witnesses unless the court shall order otherwise, and the number is limited to three on a side except in capital cases. This important law being in charge of a special committee no further reference will be made to it.

Provision is made so that circuit judges holding court outside the county in which they reside, shall be paid by the state their expenses for so doing, and an appropriation of eight thousand dollars annually is made to pay stenographers for the judges of the supreme court.

The distinction between actions of trespass and trespass on the case is abolished, and the act doing so permits the use of either form in bringing suit, and counts for trespass and trespass on the case may be joined in the same action.

Another statute relating to the commencement of suits requiring the defendant to appear and plead to the declaration within fifteen days after service of the copy and notice of the rule to plead is amended, by simply requiring the rule to be endorsed on the declaration and filed in the case instead of being entered in the common rule book which later provision abolished.

A statute relating to the settlement of testimony in chancery appeals to the supreme court, provides that such testimony may be settled by some other judge of this state than the trial judge, when ever the judge who tried the cause shall die, resign or vacate the office because of the expiration of his term, or any other cause, or when ever said judge shall be unable to settle said evidence within the time prescribed by the act by reason of sickness, absence from th state or any other cause. Provision is also made with reference

to an extension of time to appeal by a judge other than the trial judge.

Probate Practice.—Probate practice has been amended as follows: Judges of Probate can now upon motion, at any time within ninety days, change their order and decrees.

Probate Judges can now order Real Estate to be sold at private sale regardless of its value.

When lands have been conveyed during the life of deceased with intent to defraud creditors, and the administrators or executors refuse to begin proceedings to recover the same, a creditor on filing a bond to save the estate from costs can recover the same for the benefit of the estate.

Marriage and Divorce.—The divorce laws are amended by providing that no decree shall be granted for any cause prescribed by statute that is not asked for in the bill of complaint or cross-bill, and an act was passed which provides that in cases where marriage is contracted between persons, one of whom is afflicted with a venereal disease that it is a felony for such afflicted person to marry, and the physician who may prescribe for such afflicted person, may be compelled to testify to any facts found by him in attending such case tending to prove the existence of such venereal disease.

Indeterminate sentence and probation of offenders.—The indeterminate sentence law was amended in important particulars so that provisions now existing for the sentence and detention of persons convicted of crime are made more clear and the application of the principle of the indeterminate sentence put upon a more practical basis.

Another statute combined with this one enables circuit judges to apply the parole and probation system to first offenders before they are sentenced at all to states prison, and if the conduct of such convicted person shall warrant it, in the discretion of the circuit judge, he may be discharged finally without a prison sentence at all.

Automobiles.—The automobile law requires in substance the registration under state authority of every machine, and the licensing by the state of every person operating a machine for hire. The rate of speed is limited to twenty-five miles in the country, eight miles in business sections of cities and villages, and fifteen miles in residence sections.

The rules and regulations prescribed for operating an automobile by this act read like the navigation laws for war ships in mined harbors, and are too complicated to summarize within the limits of this report. The right of townships, cities and villages, to pass ordinances and regulations with reference to the operation of automobiles in their streets is to a great extent cut off, and the operation almost entirely brought under the provisions of this general state law.

Miscellaneous.—A statute is passed which limits the liability of hotel keepers in case of loss of property by guests.

A statute of limitations of actions against physicians, surgeons, and dentists, for malpractice, in enacted limiting the time to two years, provided that it does not apply to existing causes of action for malpractice.

Another statute amends the law relative to fraudulent conveyances and contracts relating to personal property by requiring an affidavit to be annexed to instruments intended to operate as chattel mortgages before the same may be filed, setting forth the consideration and the good faith of the transaction in the giving of the instrument, and provides that no such instrument shall be filed unless accompanied with such an affidavit. False statements in such affidavit are deemed perjury.

Provision is made for the suppression of fake sales, such as so called bankrupt, mortgages, insolvent, assignees, executors, administrators or receivers sales of goods, by requiring them to be licensed, and a showing of good faith made by the person proposing to carry it on, other than such officer or trustee. An application must be made and license procured before such a sale can commence. False statements in such application are deemed perjury. The provisions of the act do not apply to sheriff's, constables, or other officer's sales made in the course of their official capacity.

Another statute seeks to prevent the defrauding of livery stable keepers, by making it an offense for any person to neglect or refuse to pay a livery bill. Bicycles and automobiles are mentioned in the body of the act the hire for which is treated as a livery bill, but nothing is said in the title about either.

The question will doubtless arise as to whether the keeper of bicycles and automobiles and the letting of the same for hire, is embraced within the title of a law designated as one to prevent the defrauding of livery stable keepers. The elasticity of the common law definition of a livery stable keeper, will be put to the test by this law seeking to include under it vehicles not propelled by horse power.

A statute in which the railroad interests were much concerned provides that in any actions prosecuted by executors or administrators of deceased persons under the Survival Act, the amount of recovery is limited to only such damages as the heirs at law can prove on account of pecuniary injury, resulting from such death to each one entitled to a share in the estate of such person as it would be distributed if he had died intestate. It cuts out certain elements of damage in this class of cases which have heretofore been recognized as proper

elements of damage by all the Courts. It was given immediate effect. When the full meaning was discovered a bill was introduced to repeal it, but it failed to pass.

All of which is respectfully submitted.

WM. K. CLUTE, Chairman.
JOHN J. McCARTHY,
GEO. W. BATES,
MICHAEL BROWN,
PHILIP T. VAN ZILE.

REPORT OF COMMITTEE ON CHRISTIANCY MONUMENT.

To the Michigan State Bar Association:

Gentlemen:

Your committee to whom was referred the matter of the erection by this Association of a monument or suitable memorial over the grave of Judge Isaac P. Christianity, have had the matter, referred to them, under consideration. We beg leave to submit the following report:

An examination of the title to the private burial ground in the township of Dundee in which Judge Christianity is buried shows that the fee thereto was reserved by Judge Christianity when he conveyed the farm of which this burial ground composed a part; and that Judge Christianity also reserved a right-of-way from the public highway to this burial ground. The burial ground and the right-of-way now belonging to the heirs at law of Judge Christianity. These heirs are his three children, Henry C. Christianity, Mary C. O'Brien, and George W. Christianity. Letters were written to these parties and a conference was had with George W. Christianity, who represented himself, his brother and sister, and the wish of the Bar Association to erect some suitable memorial over Judge Christianity's grave was conveyed to them. The matter was quite thoroughly discussed, but the consent of the heirs could not be obtained. The heirs desire to do whatever is done upon this burial ground themselves. Nothing can be done upon these premises without the consent of those owning them.

Your committee therefore recommend that this Association secure the privilege of placing some memorial of Judge Christianity in the library at the State Capital in Lansing, and if such privilege can be obtained that the Association have executed, by some one to be selected, a bust of Judge Christianity to place in such library.

All of which is respectfully submitted.

HARRY A. LOCKWOOD,
JOHN C. DONNELLY,
WILLARD F. KEENEY,
GRANT FELLOWS,
SILAS L. KILBOURNE,
Committee.

REPORT OF MEMORIAL COMMITTEE.

Willard Merrick Lillibridge.

Among the prominent lawyers of Michigan who have passed away since our last meeting is Judge Willard Merrick Lillibridge, of Detroit. Judge Lillibridge was born at Blossvale, Oneida county, N. Y., in 1846. He came of an old New England family, his ancestors having settled in Rhode Island about the middle of the 17th. century. Willard M. attended the public schools and seminaries at Whitestown and Cazenovia, and took a full classical course at Hamilton College, graduating in 1869. After his graduation he taught school for two years, during which time he devoted his spare hours to the study of the law. In 1871 he resolved to devote his entire energies for a career in that profession. He studied one year in St. Louis and then returned to Detroit, and went into the office of Walker and Kent.

He was admitted to the Bar in 1873 and soon after opened an office in Detroit. During the slow waiting for business he was not idle, but he devoted his time to the systematic study of the law. In time he became successful and had a large clientage among the leading business firms and corporations of the city. Prior to his elevation to the bench, Judge Lillibridge was regarded as a sound business lawyer and his advice was much sought after in the management of large business interests.

He was elected one of the judges of the Circuit Court of Wayne county in 1893, which office he held for six years. A prominent member of the Detroit Bar has said of him:

"As a Judge, he is characterized by a keen sense of right and justice. He has given general satisfaction by his quick perception of the law, and by his promptness of decision; at the same time he has exhibited a suavity of demeanor, too often absent in men of earnest purpose. It is a pleasure to try a meritorious case before him, as you feel when your case is just, that even twelve dishonest jurors cannot beat you. Judge Lillibridge is a gentleman of literary culture, and is well posted in the topics of the day."

Judge Lillibridge was a Republican of the better sort. He was interested as stockholder in a number of corporations.

In December, 1872, he was married to Miss Katherine Hegeman, of New York City, by whom he had a daughter and a son.

Judge Lillibridge died at Stockbridge, Mass., after a long illness, on Sunday, October 2, 1904. The Bar of Wayne county, at a meeting held on the 5th day of October, passed appropriate resolutions setting forth at length the esteem and honor in which Judge Lillibridge was

held by his associates in the profession, which resolutions were afterwards presented by a committee of the Bar to the Circuit Court of Wayne county, and to the Supreme Court of the state.

Henry R. Lovell.

Judge Henry R. Lovell, was born in Sharon, Conn., in 1831. He acquired a liberal education in the common schools of New England, and afterwards graduated in 1857 with honors in Union College, New York. Soon after, he came to Michigan and located at Flint, where he began the study of law with Col. Fenton of that city. Upon his admission to the Bar in 1861, he began the practice of his profession at Flint. From thence on he was prominent in the history of Genesee county and the city of Flint. In 1867 he was chosen as a member of the Constitutional convention and was a member of the Judiciary Committee of that body. He served his county as Prosecuting Attorney for the four years succeeding 1870, and as Judge of Probate from 1884 to 1892. He was at different times a member of the Common Council and of the School Board of Flint.

In politics he was for many years a staunch Republican, but in his later years he affiliated with the Democrats. He was always a man of the most positive convictions, and his honesty and integrity, won the respect and admiration of the community where he made his home. At his death, the Bar of Genesee county passed resolutions expressing the respect and admiration in which Judge Lovell was held both by the profession and by the people, and their sympathy for his widow, whom he married in 1858, and for their children who survive him. These resolutions were presented to the Circuit Court of Genesee county, and spread upon the records of that court.

Henry Ferdinand Metzger.

Henry F. Metzger was born at Sault Ste. Marie, Michigan, May 30, 1872, and was educated in the public and high schools of that city, and at the Detroit Business College. He commenced the study of law in the office of E. S. B. Sutton, of Sault Ste. Marie in 1893. The following year he was appointed Deputy County Clerk, and performed the duties pertaining to that office until the close of 1896, when he entered the Northwestern Law School in Chicago. He graduated from that institution in 1897, and immediately commenced the practice of law in his native city. Mr. Metzger was sober, industrious, and upright; gave careful attention to his business, was always faithful to his clients' interests, and courteous to opposing counsel. He was the first president of the board of Police Commissioners, of Sault Ste. Marie, and was for five years president and treasurer of the Farmer's Mutual Fire Insurance Company.

It was while in attendance at a hockey game on the 9th of Janu-

ary, 1905, that the last summons came to him. He was in the act of cheering on his team when he was suddenly stricken down, dying from heart failure before he could be removed from the rink.

Mr. Metzger was never married, but he leaves a sister, Miss Emma Metzger, and a mother, Mrs. Louis Metzger, both of Sault Ste. Marie, to mourn his loss.

The Chippewa County Bar, at a meeting held at the Court house on January 11, passed resolutions expressive of high regard and affection for Mr. Metzger, among which was the following:

"In the practice of his profession he was both honest and able. He prepared his cases carefully and looked to the interest of his clients with commendable fidelity, and at the same time treated opposing counsel, their clients and witnesses, with courtesy and proper consideration. He never resorted to questionable methods in the practice of the law, and sought justice only by just means. As his life and methods were a credit to the profession, so his untimely death is an irreparable loss to his associates at the bar."

Benjamin J. Brown.

Benjamin J. Brown, one of the able men of this Bar, was present and read a valuable paper on "The Scope, Uses, and Value of a Special Verdict in the Trial of Civil Causes by Jury," at the last annual meeting of the State Bar Association. He did not long survive that meeting. He died at his home at Menominee, Michigan, on the 9th day of January, 1905, leaving surviving him, his widow, with whom he had lived for more than forty years, two sons and two daughters. Unless his mother has died within the last year, she is still living, and is a resident of Saginaw.

He was born in Mount Vernon, Ohio, July 8, 1833. He received the greater part of his schooling at Sloan's Academy at that place. He was first admitted to the Bar in Illinois in 1855. In 1856 he removed to Green Bay, Wisconsin, and remained a citizen of that state until 1865 when he removed to Michigan and took up his residence at Saginaw, where he practiced his profession successfully until 1873. In that year he removed to Menominee where he resided until his death.

During the nearly forty years of his connection with the Bar of Michigan, he was an able and honorable member of the profession. Coming from a family of lawyers, some of whom had been eminent in their day, he was born with an aptness for the law, which, coupled with studious tastes, fitted him to become the strong and able lawyer that he was recognized to be for many years. For thirty years, he was one of the leaders of the Bar of the Upper Peninsula, which has been distinguished for its able men.

In politics he was early allied with the Republicans, and although

never an office seeker, was for many years active and prominent in the party counsels. He was a trenchant writer upon public questions, and he contributed at various times valuable papers upon political questions which were agitating the public minds. Those papers bore the mark of a vigorous and independent mind, and were influential with those whose convictions were open to reason and conscience in political matters.

We cannot learn that Mr. Brown ever held a judicial office, although he several times was supported by the Upper Peninsula as a candidate for Justice of the Supreme Court, and perhaps it was due to this circumstance, that he came to be widely known as Judge Brown.

In social life he was genial and companionable. He inherited and cultivated the graces and courtesies of a dignified generation of lawyers,—let us not say that it has passed away. Many of the brethren of this Bar will mourn his death as a personal loss.

Byron Albert Snow.

Hon. Byron Albert Snow, Judge of the Tenth Judicial Circuit, for the past nine years, and an esteemed citizen of the county of Saginaw, this state, died at his home, 714 No. Michigan Ave., Saginaw, W. S., at 3:15 o'clock on the morning of May 5th, 1905.

Judge Snow was a son of Mr. and Mrs. Jos. A. Snow, born in Hanover, Jackson County, August 21, 1850. His parents had located in Michigan in 1839. In 1861 the family removed to Iowa City, Ia., and he obtained his education there, graduating from the State Normal in 1869. During the years he was a student in the normal, he added to his means by acting as a teacher. After his graduation, he returned to Michigan, and taught in Shell Rock and Hanover for seven years. During this time he studied law and prepared for admission to the bar, but failing health caused a change of plan, and he went to Kansas and engaged in farming for five years. Returning to Michigan, he was admitted to the bar and to the Supreme Court practice, and in 1882 he located in Chesaning. He served his township as supervisor, his village as attorney, and in 1886, was elected member of the legislature, serving one term and declining re-election. In 1883 he was a candidate for Circuit Judge of the Tenth Judicial Circuit, but was defeated. In 1896 he was elected to fill a vacancy. In 1899 he was re-elected on the Democratic ticket, receiving a handsome majority, and only a few weeks previous to his death he received a large majority of the votes of Saginaw County bar, which met for the purpose of recommending a non-partisan judicial ticket, was accepted by the nominating committee of each party, and re-elected to succeed himself at the close of his present term of office in January, 1906.

In 1873 he was united in marriage with Miss Anna Stevens, of Hanover, Jackson County, who survives him. He also leaves two sons, Dr Arthur B. Snow, and Elwood A. Snow, and one daughter, Alice Elizabeth Snow.

His home life was ideal claiming and receiving from him, all the time not required in the practice of his profession and duties as a public officer.

A fitting tribute to his memory, and qualities as a judge and lawyer, were paid him by the bar association at the special meeting held for that purpose, and recorded upon the court journal. The qualities of fairness, justice, courtesy, keen appreciation of equity and rights, sympathy that was not weakness, courage of conviction that was not tyranny, are elements that all who have known Judge Snow, in any degree, during the nine years that he occupied the bench, could appreciate and admire. As an ideal type of American citizenship, Judge Snow was widely esteemed.

REPORT OF COMMITTEE ON MEDICAL EXPERT TESTIMONY.

To the Members of the State Bar Association:

At the last session of this association the committee on medical expert testimony was authorized to prepare and present to the then next session of the legislature a bill embodying some needed reforms in the matter of expert testimony. Your committee has the pleasure to report that such a bill was prepared, was presented to and passed by both houses of the legislature, and will in due course of time become a law of this State.

So far as we are aware, Michigan is the first State of the Union to pass legislation of this kind. For twenty years or thereabouts the States of Massachusetts, New York and Pennsylvania, through the efforts of their several State bar and medical associations and other societies, have endeavored to secure legislation on this subject, but have failed. More recently Illinois and Minnesota have also made unsuccessful efforts in the same direction.

An examination of the proposed bills in these several States and the discussions held thereon disclosed to your committee the fact, (as they believe), that in a majority of instances the changes proposed were either too radical or too complicated to meet the approval of the more conservative members of both the legal and medical professions, and that, in consequence thereof, the opposition to such measures led to their defeat.

Naturally, a great deal of literature has accumulated on the subject in recent years in the form of discussions in textbooks, judicial opinions, magazine articles, and papers read and discussed at Bar and Medical Association meetings throughout the country. The opinion is by no means uniform that legislation of this kind is needed; many able papers have been presented in opposition to any reform whatsoever. But your committee believes that the weight of opinion is in favor of some reasonable and moderate regulation of the subject by way of legislation, and that the bill passed by our recent legislature will not only meet the approval of those who favor reform, but will not be obnoxious to those who oppose it.

The work of the committee of the Bar Association received the earnest co-operation of a like committee appointed by the State Medical Association at its annual session held at Grand Rapids in 1904, consisting of Dr. J. B. Griswold of Grand Rapids, chairman, and Drs. David Inglis, Detroit C. B. Burr, Pontiac, V. C. Vaughn, Ann Arbor, and W. H. Sawyer, Hillsdale.

The bill reads as follows:

An act to regulate the employment of expert witnesses.

The People of the State of Michigan enact:

Section 1. No expert witness shall be paid or receive as compensation in any given case, for his services as such, a sum in excess of the ordinary witness fees provided by law, unless the court before whom such witness is to appear or has appeared, awards a larger sum; and any such witness who shall directly or indirectly receive a larger amount than such award, and any person who shall pay such witness a larger sum than such award, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not to exceed one year, or both, in the discretion of the court, and may further be punished for contempt.

Section 2. No more than three experts shall be allowed to testify on either side as to the same issue in any given case, except in criminal prosecutions for homicide: Provided, The court trying such case may in its discretion permit an additional number of witnesses to testify as experts.

Section 3. In criminal cases for homicide where the issues involve expert knowledge or opinion, the court shall appoint one or more suitable and disinterested persons, not exceeding three, to investigate such issues and testify at the trial; and the compensation of such person or persons shall be fixed by the court and paid by the county where indictment was found, and the fact that such witness or witnesses have been so appointed shall be made known to the jury. This provision shall not preclude either prosecution or defense from using other expert witnesses at the trial.

Section 4. This act shall not be applicable to witnesses testifying to the established facts or deductions of science, nor to any other specific facts, but only to witnesses testifying to matters of opinion.

Approved June 7, 1905.

It will be observed: (1) The bill applies only to opinion evidence; (2), it prevents an expert witness from becoming a paid counsel in the case in which he testifies; (3), it limits the number of experts in civil cases; (4), it provides for the payment of experts by the county in homicide cases; (5), it authorizes the court to select one or more experts to testify in homicide cases.

The first proposition is important, and is covered by the last section of the bill. It is based upon the distinction between a fact and an opinion. Only those witnesses who venture opinions are classed as experts, and come within the provisions of the law.

The second proposition meets the objection to the current practice of the expert becoming virtually counsel in the case, and places the matter of compensation in the hands of the court. It does not prevent a physician or other specialist from advising a litigant or counsel in a case for any consideration he may be able to obtain, but it prohibits him from becoming a witness upon a matter of opinion in any case in which he has been so employed, by the terms of which employment he is to receive more than the legal fees. It does not prohibit him from testifying to any fact the same as any other witness. It is intended to take away the possible temptation to give a biased opinion that the promise of a large fee might exert upon a weak or unscrupulous witness. The competent and honest witness may rely upon the good sense and judgment of the court to award such reasonable compensation as his services are fairly worth. The radical reformers say that the courts should select and fix the compensation of all expert witnesses. Your committee believes

that there are constitutional objections to the court making such selection. Parties have a right, under the law, to select their own witnesses. The proposed provision strikes a middle ground between the two extremes and should not, it seems to us, be objectionable to either side.

Again, it has been generally held that an expert witness is not entitled to demand additional compensation other than the ordinary witness fees before attending to testify on the stand.

Lonergau v. Assur. Co., 7 Bing. 729.

Collins v. Godefroy, 1 B. & Ad. 950.

Webb v. Page, 1 C. & K. 23.

Ex parte Dement, 53 Ala., 389.

Flinn v. Prairie Co., 60 Ark., 204.

Board v. Lee, 3 Colo., App. 177.

Fairchild v. Ada Co., 6 Ida., 340.

Wright v. People, 112 Ill., 340.

Dixon v. People, 168 Ill., 179.

N. Chicago S. R. Co. v. Zeiger, 182 Ill., 9.

Israel v. State, 8 Ind., 467.

Buchanan v. State, 59 Ind., 1.

Barrus v. Phaneuf, 166 Mass., 123.

LeMere v. M'Hale, So. Minn., 410.

State v. Teipner, 36 Minn., 535.

People v. Montgomery, 13 Abb Pr. n. s., 207-38.

Daly v. Multnomah Co., 14 Ore., 20.

Allegheny Co. v. Watt, 3 Pa. St., 462.

Northampton Co. v. Innes, 26 Pa. St., 156.

Cone v. Higgins, 5 Kulp, 269.

Summers v. State, 5 Tex. App. 365.

Re Roelker, 1 Sprague (U. S.), 276.

U. S. v. Howe, (U. S. Dist. Ct. W. D. Ark.,) 12 Cent. L. J., 192.

But whatever may be the rule as to the duty of a witness to appear and testify in obedience to a subpoena duly served, it is clear from the cases cited that special services, other than attendance to give testimony on a trial, are not within the duty of any witness. Hence, a professional man is entitled to demand special compensation for such services as a chemical analysis, a post mortem autopsy, or any work necessary to qualify such expert to furnish testimony. Your committee, in view of these considerations, therefore concluded that the objections so frequently urged against the testimony of experts could be avoided by placing the amount of compensation in the hands of the court to determine, after the testimony had been given.

In the third place, the right of the court to fix the number of

experts in civil cases is conceded, and it is the universal practice.

Fourth, in homicide cases parties are permitted to select their own experts, thereby avoiding the constitutional objections above suggested; but those selected by the court are to be paid by the county, the court fixing the compensation.

The right given to the court to call in other experts, meets the demand of the reformers, and cannot be objectionable to the opponents of reform, if each party is given the right to select his own experts. This provision also takes a middle ground and avoids the objections that might be raised, which, if raised, would doubtless have caused the defeat of the law, as has been the case in other states.

For the benefit of those who may desire to pursue their investigation of this subject further, we append herewith a list of the leading articles upon this subject, a majority of which were examined by your committee in the preparation of the bill before us.

Respectfully submitted,

WILLIS B. PERKINS, Chairman.
MICHAEL BRENNAN,
SAMUEL DOUGLASS,
JOSEPH WALSH,
HARRY D. JEWELL,

Committee.

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SECRETARY'S REPORT, 1904-05.

The secretary has carried on the usual work of preparing, publishing and distributing the records of our meetings; collecting dues, conducting correspondence, etc.

Following is a summary, showing amount of dues collected and the condition of the membership of the association.

DUES.

Debit.

By dues collected from members.....\$934.10

Credit.

To paid Mr. A. C. Denison, treasurer.....\$924.60
To paid discount on drafts..... 9.50

\$934.10

MEMBERSHIP.

Members at date of last report, (June 7, 1904.).....	587
Members who have withdrawn.....	20
Members who have died, 1904-05.....	5
Members who have removed from Michigan.....	5
	--
	30
	357
Members admitted during year, 1904-05.....	14
	571
Total membership.....	571

Members Who Have Withdrawn Since Last Meeting.

Aitken, Wm. H., Crosswell.	Palmer, E. E., Coldwater.
Burroughs, S. W., Detroit.	Palmer, L. R., Coldwater.
Cady, Burt D., Port Huron.	Prentis, B. T., Detroit.
Davock, H. P., Detroit.	Rodgers, Harry E., Gd. Rapids.
Drew, W. W., Grand Rapids.	Stone, W. F., Charlotte.
Hall, Chas L., Harbor Beach.	Sutherland, Alex., Muskegon.
Hammond, J. T., Jackson.	Weadock, Geo. W., Saginaw.
Kies, Fred A., Jackson.	Winsor, H. E., Marshall
Kissane, Thos., Detroit.	Waite, W. F., Menominee.
Knight, W. A., Battle Creek.	Watts, Richard A., Adrian.

Members Who Have Died, 1904-05.

Brown, B. J., Menominee. Lillibridge, W. M., Detroit.
 Chandler, Chas., Grand Rapids. Metzger H. F., Sault Ste. Marie.
 Snow, Byron R., Saginaw.

Members Who Have Removed From Michigan.

Barry, E. D., Pasadena, Cal. Flynn, S. P., Los Angeles, Cal.
 Fitz Gerald, J. C., Pasadena, Cal. Mechem, F. R., Chicago, Ill.
 Totten, Wm. D., Seattle, Wash.

NEW MEMBERS.

Oct. 3, '04. Goss, Dwight, 433 Houseman Bldg., Grand Rapids.
 Oct. 3, '04. McCarthy, John J., Standish.
 Oct. 7, '04. Wykes, Roger Irving, Mich. Trust Co. Bldg., G'd Rapids.
 Jan. 3, '05. Larson, Oscar J., Calumet.
 Jan. 4, '05. Sloman, Edward M., 8 Buhl Bldg., Detroit.
 Jan. 14, '05. Kenna, Jas. T., Moffat Bldg., Detroit.
 Feb. 1, '05. Campbell, Colon P., Mich. Trust Co. Bldg., Grand Rapids.
 June 6, '05. Youngs Dan, Evart.
 June 16, '05. McCallum, Geo. P., Sault Ste. Marie.
 June 16, '05. Skeels, Rufus F., Hart.
 June 16, '05. Thompson, James H., Evart.
 June 20, '05. King, John L., Bay City.
 June 20, '05. Thompson, Dell H., Bay City.
 June 26, '05. McCormick, Frank P., Bay City.
 June 28, '05. Hayes, Sanford E., Standish.

REPORTS, BOOKS, ETC., IN SECRETARY'S OFFICE.

American Bar Association.....	1903
Alabama State Bar Association, Proceedings for years.....	1901, 1902, 1903, 1904
Bar Association for Baltimore City, Constitution and By-Laws.....	1902
The Chicago City Bar Association, Proceedings for year.....	1903
The Colorado Bar Association, Proceedings for years.....	1901, 1902, 1903
Georgia Bar Association, Proceedings for years.....	1901, 1902, 1903, 1904
Indiana Bar Association, Proceedings for years.....	1902, 1903, 1904
Indian Territory Bar Association, Proceedings for year.....	1904
Iowa State Bar Association, Proceedings for years.....	1902, 1903, 1904
Bar Association for State of Kansas (Address of President, 1902)	
Bar Association for State of Kansas, Proceedings for years....	1903, 1904
Kentucky State Bar Association, Proceedings for year.....	1901, 1902, 1903, 1904
Louisiana Bar Association, Proceedings for years.....	1902, 1903, 1904
Maryland State Bar Association, Proceedings for years (1 Vol.)	1903, 1904
Minnesota State Bar Association, Proceedings for years.....	1901, 1902, 1903, 1904
Missouri Bar Association, Proceedings for year.....	1904

Montana State Bar Association, Proceedings for years (1 Vol.)	1885--1902
Nebraska State Bar Association (Address of President, 1902.)	
Nebraska State Bar Association (1 Vol.) Proceedings for years	1900--1902
New Jersey State Bar Association, Proceedings for years.....	1902, 1903, 1904
New Mexico State Bar Association, Proceedings for years.....	1902, 1903, 1904
Association of the Bar of New York, Proceedings for years....	1903, 1904, 1905
New York State Bar Association, Proceedings for year.....	1904
North Carolina Bar Association, Proceedings for years.....	1901, 1902
The Bar Association of St. Louis, Proceedings for year.....	1904
South Carolina Bar Association, Proceedings for years (1 Vol.)	
1892-1902)	1903, 1904
Bar Association of Tennessee, Proceedings for years.....	1901, 1902, 1903, 1904
Texas State Bar Association, Proceedings for year.....	1902, 1903, 1904
Virginia State Bar Association, Proceedings for years.....	1901, 1902, 1903, 1904
Washington State Bar Association, Proceedings for years.....	1901, 1902, 1903, 1904
West Virginia State Bar Association, Proceedings for year.....	1903
Wisconsin State Bar Association, Proceedings for year.....	1901
Copies of a bill to establish an Intermediate Court.....	100 copies
Copies of a bill to establish Torrens System of Land Registration.	200 copies
Michigan State Bar Association, Proceedings for 1901.....	25 copies
Michigan State Bar Association, Proceedings for 1902.....	10 copies
Michigan State Bar Association, Proceedings for 1903.....	30 copies
Michigan State Bar Association, Proceedings for 1904.....	5 copies

EXCHANGES, OTHER THAN ABOVE NAMED ASSOCIATIONS.

Iowa State Library, Des Moines, Iowa.

Kansas State Library, Topeka, Kas.

Michigan State Library, Lansing, Mich.

U. of M. Law Library, Ann Arbor, Mich.

Harvard Univ. Law Library, Cambridge, Mass.

Hon. Leonard A. Jones, 301 Pemberton Bldg., Boston, Mass.

WM. J. LANDMAN, Secretary.

Treasurer's Report for Year Ending June 1, 1905.

RECEIPTS.

Balance from last year.....	\$ 20.97
Received dues as follows:	
1900-01, 12 members.....	12.00
1901-02, 12 members.....	12.00
1902-03, 15 members.....	15.00
1903-04, 50 members.....	50.00
1904-05, 422 members.....	844.00
Exchange10
	----- \$954.07

DISBURSEMENTS.

1. Pertaining to year 1903-04:	
(a) Secretary's salary, Voucher No. 1.....	\$200.00
(b) Stenography, printing, etc., in Sec'y office and in preparation for meet- ing Voucher No. 2.....	7.70
(c) Flowers, printing and miscellaneous expenses of June, 1904 meeting, Vouch- ers 3 to 7 inc.....	65.88
(d) Judge Richards' expenses for June meeting, Voucher No. 8.....	15.59
(e) Committee on Legislation and Law, Voucher No. 9.....	19.58
(f) Reporting meeting, Voucher No. 10.....	35.00
(g) Printing proceedings, June meeting, Vouchers 11 to 17 inc.....	345.00
	----- 688.75
2. Pertaining to year 1904-05:	
(a) Stenographer, printing, stationery, etc., for Secretary's office, Vouchers 18 to 25 inc., and 31, 32 and 33.....	\$138.58
	8.25
	----- 146.83
(b) Bookcase for Secretary's office, Voucher No. 26.....	10.75
(c) Collection of drafts as per Vouchers 27 and 28	\$24.65
Deducted from collections	9.50
	----- 34.15

TREASURER'S REPORT

(d) Committee on Legislation, Vouchers 29, 30.....	37.62	
(e) Treasurer's expenses, Voucher 34.....	10.62	
(f) Interest on note Peoples' Savings Bank, Voucher No. 34.....	2.00	\$241.97
		<hr/>
		\$930.72
Balance on hand		23.35
		<hr/>
		\$954.07

Note: \$1 Was erroneously paid to the secretary by a member, by the secretary turned over to the treasurer and by the treasurer refunded to the member, making secretary's total payments to the treasurer, \$934.10.

A. C. DENISON.
Treasurer.



***Officers, Committees, Members,
Constitution, By-Laws, ❁ ❁ ❁
Michigan Bar Associations, etc.***



OFFICERS, 1905-6.

President..... WILLIAM G. HOWARD, Kalamazoo
 Vice-President..... ARTHUR C. DENISON, Grand Rapids
 Treasurer..... WILLIAM K. CLUTE, Ionia
 Secretary.. WILLIAM J. LANDMAN, 333 Houseman Bldg., Grand Rapids

BOARD OF DIRECTORS:

First Congressional District.....	FRANK E. ROBSON.....	Detroit
Second " "	THOS. A. WILSON.....	Jackson
Third " "	JOEL C. HOPKINS	Battle Creek
Fourth " "	ORVILLE W. COOLIDGE.....	Niles
Fifth " "	GEORGE A. FARR.....	Grand Haven
Sixth " "	JOHN J. CARTON.....	Flint
Seventh " "	WILLIAM A. BROWN.....	Lapeer
Eighth " "	LORENZO T. DURAND.....	Saginaw
Ninth " "	H. J. HOYT.....	Muskegon
Tenth " "	J. J. McCARTHY.....	Standish
Eleventh " "	L. G. PALMER.....	Big Rapids
Twelfth " "	A. T. STREETER.....	Houghton

COMMITTEES

EXECUTIVE

DALLAS BOUDEMAN..... Kalamazoo
 J. W. OSBORN..... Kalamazoo
 N. H. STEWART..... Kalamazoo

ON LEGISLATION AND LAW REFORM

WILLIAM K. CLUTE, Chairman..... Ionia
 LOYAL E. KNAPPEN..... Grand Rapids
 PHILLIP T. VAN ZILE..... Detroit
 GEORGE W. BATES..... Detroit
 THOMAS J. CAVANAUGH..... Paw Paw

ON LEGAL EDUCATION AND ADMISSION TO THE BAR

JOHN E. KINNANE, Chairman..... Bay City
 WILLIAM B. WILLIAMS..... Lapeer
 CLEMENT SMITH..... Hastings
 MILES J. PURCELL..... Saginaw
 EDWIN S. PRATT..... Traverse City

LIST OF OFFICERS.

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THOMAS E. BARKWORTH.....	Jackson
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DEVERE HALL.....	Bay City
HUGH P. STEWART.....	Battle Creek

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MICHAEL BROWN, Chairman.....	Big Rapids
WILLIAM J. LANDMAN.....	Grand Rapids
CHARLES W. NICHOLS.....	Lansing

OF HISTORIANS

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ALLEN B. MORSE.....	Ionia
WILLIAM P. BELDEN.....	Ishpeming
WILLIAM J. LANDMAN.....	Grand Rapids
JAMES S. PARKER.....	Flint

ON CHRISTIANCY'S MONUMENT

HARRY A. LOCKWOOD, Chairman.....	Monroe
SILAS L. KILBOURNE.....	Lansing
WILLARD F. KEENEY.....	Grand Rapids
GRANT FELLOWS.....	Hudson
JOHN C. DONNELLY.....	Detroit

SPECIAL COMMITTEE ON "LOCAL AND

SPECIAL LEGISLATION."

FRANK S. PRATT, Chairman	Bay City
--------------------------------	----------

DELEGATES TO THE AMERICAN BAR ASSOCIATION, 1905

ADOLPH SLOMAN.....	Detroit
WILLIAM L. JANUARY.....	Detroit
A. J. MILLS.....	Kalamazoo

VICE-PRESIDENT AMERICAN BAR ASSOCIATION
FOR MICHIGAN

JOSEPH B. MOORE.....	Lansing
MEMBER GENERAL COUNCIL, AMERICAN BAR ASSOCIATION FOR MICHIGAN	
WILLIAM L. JANUARY.....	Detroit

LOCAL COUNCIL OF THE AMERICAN BAR ASSOCIATION

HORACE L. WILGUS.....	Ann Arbor
JAMES H. BREWSTER.....	Ann Arbor
HENRY M. BATES.....	Ann Arbor
HENRY RUSSELL	Detroit
HENRY A. HARMON.....	Detroit
DAN H. BALL.....	Marquette
BENTON HANCHETT.....	Saginaw

OFFICERS, AMERICAN BAR ASSOCIATION

PRESIDENT

GEORGE R. PECK Chicago, Ill.

SECRETARY

JOHN HINKLEY 215 N. Charles St., Baltimore, Md.

TREASURER

FREDERICK E. WADHAMS..... 37 Tweddle Bldg., Albany, N. Y.

ALPHABETICAL LIST OF MEMBERS.

A

Abbott, Fred H.....Crystal Falls
Aitken, D. D.Flint
Alexander, Cassius.....Grand Ledge
Alexander, Chas. T.....Detroit
Alexander, W. B.Adrian
Allor, Elmer L.....Detroit
Anderson, John W.Detroit
Andrews, Bishop E.....Three Rivers
Angell, Alexis C.....Detroit
Antisdal, John P.....Detroit
Arthur, Jesse.....Battle Creek
Avery, Lincoln.....Port Huron

B

Backus, Ella M.....Grand Rapids
Badgely, Clyde.....Jackson
Baker, F. A.Detroit
Baker, Jonh F.....Flint
Baker, Orla H.....Muskegon
Baldwin, Clark E.....Adrian
Ball, Dan H.....Marquette
Bancker, Enoch.....Jackson
Barbour, Levi L.....Detroit
Barkworth, T. E.....Jackson
Barnett, J. F.....Grand Rapids
Bates, Geo. W.....Detroit
Bayne, James H.....Detroit
Beach, Emmet L.....Saginaw
Beach, Watson.....Lexington
Beaumont, John W.....Detroit
Beaver, Theo. G.....Niles
Beckwith, L. G.....Bay City
Belden, Wm P.....Ishpeming
Bennett, A.....Adrian
Berg, Fred H.....Ishpeming
Bierce, Herbert MacO.....Detroit
Berger, E. T.....Detroit
Bigelow, Nelson C.....Detroit
Bird, John E.....Adrian
Bissel John H.....Detroit
Blair, C. A.....Lansing
Blakley, Harry V.....Flint
Bodman, Harry E.....Detroit
Boltwood, Lucius.....Grand Rapids
Bope, Wm. T.....Bad Axe
Boudeman, Dallas.....Kalamazoo
Bowen, Herbert.....Detroit
Bowers, Varnum J.....Mt. Clemens
Bowman E. J.....Greenville

Boynton, Herbert E.....Detroit
Bradfield, Thos. P.....Grand Rapids
Brewster, James H.....Ann Arbor
Brockway, James E.....Bay City
Brown, Bayard T.....Detroit
Brown, Geo.Flint
Brown, Henry B.....Washington, D. C.
Brown, J. Earle.....St. Johns
Brown, Michael.....Big Rapids
Brown, W. E.....Lapeer
Browne, Thos. W.....Kalamazoo
Bundy, McGeorge.....Grand Rapids
Bunker R. E.Ann Arbor
Bunting, A. F.....Empire
Burrett, W. A.....Hancock
Bush, Mathew.....Corunna
Butler, T. Jefferson.....Detroit
Butterfield, O. E.....Detroit
Butterfield, Roger W.....Grand Rapids
Butzel, Henry M.....Detroit
Byers, I. W.....Iron River

C

Cahill, Edward.....Lansing
Campbell, Chas. H.....Detroit
Campbell, Colin P.....Grand Rapids
Campbell, Gordon R.....Calumet
Campbell, Henry M.....Detroit
Campbell, Jas. H.....Grand Rapids
Canfield, F. H.....Detroit
Carpenter, Wm. L.....Lansing
Carpenter, Wm.....Muskegon
Carton, John J.....Flint
Cavanaugh, H. W.....Homer
Cavanaugh, Thos. J.....Paw Paw
Chadbourne, T. J.....Houghton
Chaddock, Chauncey J.....Muskegon
Chadwick, Wm. E.....Hillsdale
Chamberlain, Robt. M.....Detroit
Champion, Chas. U.....Coldwater
Chandler, A. L.....Corunna
Chase, Henry E.....Lansing
Chester, Guy M.....Hillsdale
Chittenden, Clyde C.....Cadillac
Clapperton, Geo.....Grand Rapids
Clark, Clarence D.....Lansing
Clark E. S.....Bay City
Clark, F. O.....Marquette
Clark, Geo. W.....Bad Axe
Clark, Joseph H.....Detroit

Clark, Levert..... Detroit
 Clark, O. S. Battle Creek
 Clarke Wm. R..... Grand Ledge
 Clink, S. K. Muskegon
 Clute, Wm. K..... Ionia
 Cobb, Geo. P..... Bay City
 Cobb, W. S..... Jackson
 Codd, Geo. P..... Detroit
 Colgrove, P. T..... Hastings
 Collins, Chester L. Bay City
 Collins, L. H..... Detroit
 Collins, W. A..... West Bay City
 Constantine, S. M. Three Rivers
 Cook, Geo. W..... Flint
 Cooley, E. A..... Bay City
 Coolidge, Orville W..... Niles
 Corwin, Benn M..... Grand Rapids
 Couch, John A. Sault Ste Marie
 Covert, Arthur H..... Detroit
 Cowles, Israel, T..... Detroit
 Crane, Albert..... Grand Rapids
 Crane, E. A..... Kalamazoo
 Crane, Wm. E. Saginaw, W. S.
 Creswell, Harry L..... Grand Rapids
 Crocker, Martin Mt. Clemens
 Crosby, Frank N..... Detroit
 Cross, Chas. B..... Muskegon
 Culver, Adelbert Albion
 Cummins, Alva M..... Lansing
 Cummins, Geo J..... Harrison

D

Danaher, M. B..... Ludington
 Davies, Jas. B..... Corunna
 Davis, F. D. M..... Ionia
 Davies, Geo. W..... Saginaw
 Davis, H. C..... Traverse City
 Davitt, James H..... Saginaw
 Day, A. G..... Newaygo
 Delano, Horace L..... Muskegon
 Denby, Edwin..... Detroit
 Denison, Arthur C..... Grand Rapids
 Dennison, Edward J..... Marshall
 Dickinson, Don M..... Detroit
 Dickinson, J. G..... Detroit
 Diekema, G. J..... Holland
 Dodds, Francis H..... Mt. Pleasant
 Donahue, O F..... Munising
 Donnelly, James..... Bay City
 Donnelly, John C..... Detroit
 Doelling, John C..... St Johns
 Doran, Peter..... Grand Rapids
 Douglass, Samuel T..... Detroit
 Drury, Horton H..... Grand Rapids
 Duffield, Henry M..... Detroit
 Duffy, James E..... Bay City

Duffy, John L..... Ann Arbor
 Dunnebacke, Jos. H..... Lansing
 Durand, C. A..... Flint
 Durand, L. T..... Saginaw
 Durfee, Edgar O..... Detroit

E

Eastman, L. D..... Menominee
 Eldredge, A. B..... Marquette
 Ellis, A. A..... Ionia
 Emerick, Frank E..... Saginaw
 Emery, Alex..... Buchanan
 Emmons, Harold H..... Detroit
 Erskine, Byron R..... Mt. Clemens
 Erwin, David D..... Muskegon

F

Farr, George A..... Grand Haven
 Fellows, Grant..... Hudson
 Field, Geo. S..... Detroit
 Finnegan, J. T..... Hancock
 Finney, J. W..... Detroit
 FitzGerald, Gerald..... Grand Rapids
 Fitzpatrick, W. G..... Detroit
 Flannigan, R. C..... Norway
 Flowers, Charles..... Detroit
 Forler, Henry C..... Detroit
 Foster, Chas. W..... Lansing
 Fowler, George B..... Detroit
 Fox, George R..... Bay City
 Fox, Wm. D..... Detroit
 Frazer, R. E..... Detroit
 Freeman, A. F..... Ann Arbor
 Freeman, F. M..... Manchester
 Freeman, Henry B..... Munising
 Fuller, C. C..... Big Rapids
 Fuller, Wm. D..... Grand Rapids
 Fyfe, L. C..... St. Joseph

G

Gaffney, F. O..... Lake City
 Gallup, Geo..... Escanaba
 Gardner, Henry M..... Lansing
 Gardner, L. B..... Lansing
 Gates, Jasper C..... Detroit
 Gillett, H. M..... Bay City
 Gleason, Clark H..... Grand Rapids
 Gleason, John M..... Port Huron
 Goff, John H..... Detroit
 Golden, C. A..... Monroe
 Gordon, Wm. D..... Midland
 Goss, Dwight..... Grand Rapids
 Graham, Robert D..... Grand Rapids
 Grant, C. B..... Lansing
 Gray, Albert R..... Houghton
 Gray, Robt. T..... Detroit

Gray, Wm. J. Detroit
 Griffin, Levi T. Detroit
 Griswold, N O Greenville
 Groesbeck, A. J. Detroit
 Grove, Wm. E. Grand Rapids
 Gulise, Frank P Detroit

H

Haire, Norman W. Houghton
 Hall, DeVere Bay City
 Hanson, Winfield S. Hart
 Harmon, Chas. O. Cassopolis
 Hartwick, L. M. Hart
 Hatch, Reuben Grand Rapids
 Hatch, W. B. Ypsilanti
 Hawley, R. A. Ionia
 Hayes, E. Sanford Standish
 Heald, Henry T. Grand Rapids
 Hefferan George. Grand Rapids
 Heineman, D. E. Detroit
 Helfman, Harry Detroit
 Hendee, J. B. Eton Rapids
 Hendrick, Hartley E. Middleville
 Hewitt, Adolphus E. Jackson
 Hewitt, John C. Bay City
 Hitchcock, Chas. W. Bay City
 Hoffman, Henry St. Ignace
 Holcomb, John W. Grand Rapids
 Holden, Lawson C. Sault Ste. Marie
 Holmes, Glenn W. Grand Rapids
 Hooker, Frank A. Lansing
 Hooker, Harry E. Lansing
 Hooper, Jos. L. Battle Creek
 Hopkins, Chas. C. Lansing
 Hopkins, Joel C. Battle Creek
 Hosmer, Geo. S. Detroit
 Hovey, Cyrus A. Port Huron
 Howard, Harry C. Kalamazoo
 Howard, W. G. Kalamazoo
 Hoyt, Hobart B. Detroit
 Hoyt, H. J. Muskegon
 Hoyt, Wm. E. Muskegon
 Huggett, Martin C. Grand Rapids
 Humphrey, Leonard T. Coldwater
 Humphrey, Watts S. Saginaw
 Hutchins, Harry B. Ann Arbor
 Hyde, Wesley W. Grand Rapids

I

Irish, E. M. Kalamazoo

J

Jocokes, James A. Pontiac
 January, W. I. Detroit
 Jenkins, Frank E. Oxford
 Jenks, W. L. Port Huron

Jenney, Wm. S. Mt. Clemens
 Jewell, Harry D. Grand Rapids
 Jewett, Henry R. Adrian
 Johnson, Andrew W. Grand Rapids
 Jones, Arthur Detroit
 Jones, Frank E. Ann Arbor
 Jones, John Ontonagon
 Jones, Walter C. Marcellus
 Joslin, Theo. M. Adrian
 Joslyn, Lee E. Bay City

K

Kelly, Ronald Detroit
 Keena, James T. Detroit
 Keeney, Willard F. Grand Rapids
 Ketcham, Clyde W. Dowagiac
 Kilbourne, S. L. Lansing
 Kilpatrick, Wm. Owosso
 King, Robt. L. Bay City
 Kingsley, Willard Grand Rapids
 Kinnane, J. E. Bay City
 Kinnane, Jas. H. Dowagiac
 Kinne, E. D. Ann Arbor
 Kirkby, Elmer Jackson
 Kleinhans, Jacob. Grand Rapids
 Knappen, F. E. Kalamazoo
 Knappen, Loyal E. Grand Rapids
 Knight, Seth W. Mt. Clemens
 Knowles, R. D. Jackson

L

Lacy, A. J. Clare
 Ladd, S. W. Port Huron
 Lane, Victor H. Ann Arbor
 Lane, Wm. P. Detroit
 Landman Wm. J. Grand Rapids
 Landon, Geo. M. Monroe
 Langley, Jas. P. Detroit
 Larwill, Henry L. Adrian
 Larson, Oscar J. Calumet
 Lawrence, John S. Grand Rapids
 Lee, Ed. S. Flint
 Lemkle, Felix A. Detroit
 Lighter, Clarence A. Detroit
 Lockwood, H. A. Monroe
 Loud, Edw. Albion
 Lovelace, Geo. S. Muskegon
 Lowell, Dwight N. Romeo
 Lucking, Alfred. Detroit
 Ludlum, R. M. Battle Creek
 Luton, Geo. Newaygo
 Lyon, Edwin H. St. Johns

Mc

McAllister, James T. Grand Rapids
 McAlvay, A. V. Lansing

McCall, Lyman H Charlotte
 McCallum Geo. P. Sault Ste Marie
 McCarthy, John J. Standish
 McCurdy, John T. Corunna
 McDonald, Chas. S. Detroit
 McDonald, Jas. H. Detroit
 McDonald, John S. Grand Rapids
 McDonald, Michael F. Sault Ste Marie
 McGregor, Malcolm Detroit
 McHugh, Philip A. Detroit
 McIntyre, D. E. Cadillac
 McKay, John A. Saginaw
 McKnight, Wm. F. Grand Rapids
 McNabb, Duane T. Bad Axe
 McPherson, Charles Detroit

M

MacDonald, R. J. Muskegon
 MacKay, John D. Detroit
 MacLean, Hector Detroit
 Maher Edgar A. Grand Rapids
 Manchester, Wm. C. Detroit
 Mapes, Carl E. Grand Rapids
 Marsh, E. J. Big Rapids
 Marsh, Pliny W. Detroit
 Maybury, Wm. C. Detroit
 Maynard, Fred A. Helena, Mont.
 Maynard, Horace S. Charlotte
 Merrick, Benj. P. Grand Rapids
 Miller, A. E. Marquette
 Miller, Fredrick C. Mt. Clemens
 Miller, Sidney T. Detroit
 Mills, Wade Detroit
 Mills, A. J. Kalamazoo
 Miner, John W. Jackson
 Monaghan, Geo. F. Detroit
 Montgomery, R. M. Lansing
 Montgomery, Stanley D. Lansing
 Moore, Geo. G. Port Huron
 Moore, Geo. W. Detroit
 Moore, Jos. B. Lansing
 Moore, Wm. A. Detroit
 More, John E. Grand Rapids
 Morrissey, Francis M. Harrison
 Morse, A. B. Ionia
 Moulton, Luther V. Grand Rapids
 Murfin, J. O. Detroit

N

Naegley, Henry E. Saginaw
 Navin Thomas J. Detroit
 Nichol, John Ionia
 Nichols, Chas. W. Lansing
 Nichols, Geo. E. Ionia
 Nichols, Jason E. Lansing
 Nichols, M. A. Grand Rapids

Nims, F. A. Muskegon
 Noah, Frank A. Detroit
 Norris, Mark Grand Rapids
 Northrup, LeRoy Jackson

O

O'Brien, Thos. J. Grand Rapids
 O'Brien, M. Hubert. Detroit
 O'Hara, James St Joseph
 O'Keefe, Jas. E. Grand Rapids
 Opsahl, John M. Menominee
 Oren, Horace W. Sault Ste. Marie
 Osborn, J. W. Kalamazoo
 Ostrander, Russell C. Lansing
 Ott, Louis Detroit
 Owen, Chas. M. Grand Rapids
 Oxtoby, Jas. V. Detroit

P

Paddock, Lewis H. Detroit
 Paine, DeForest Detroit
 Pagleson, Dan F. Grand Haven
 Palmer, L. C. Stanton
 Palmer, L. G. Big Rapids
 Pardee, Geo. E. Owosso
 Parker, Jas. S. Flint
 Parker, R. A. Detroit
 Parkinson, J. A. Jackson
 Patterson, John C. Marshall
 Patterson, John H. Pontiac
 Patton, John Jr. Grand Rapids
 Pealer, R. R. Three Rivers
 Pendleton, E. W. Detroit
 Perkins, Cyrus E. Grand Rapids
 Perkins, Willis B. Grand Rapids
 Perry, C. W. Clare
 Perry, Milton M. Lowell
 Person, Rollin H. Lansing
 Person, Seymour H. Lansing
 Phelan, John Ludington
 Phelps, Ralph Jr. Detroit
 Porter, Wm. H. Marshall
 Powers, James M. Charlotte
 Powers, John W. Grand Rapids
 Pratt, E. S. Traverse City
 Pratt, Frank S. Bay City
 Pratt, Fred H. Traverse City
 Prentiss, Geo. H. Detroit
 Price, Richard Jackson
 Priddy, F. E. Adrian
 Pringle, Eugene Jackson
 Purcell, Miles J. Saginaw

Q

Quinn, Frank Q. Saginaw
 Quinn, John Harrison

LIST OF MEMBERS

Quinn, T. C. Caro

R

Randall, Ira E. Houghton
 Rapley, Jesse A. Yale
 Barden, C. L. Greenville
 Rees, Allen F. Houghton
 Reilly, C. J. Detroit
 Rexford, D. C. Detroit
 Roberts, Clinton Flint
 Robson, Frank E. Detroit
 Rohnert, Morse. Detroit
 Rose, C. H. Evart
 Rosenberg, Louis J. Detroit
 Ross, John Q. Muskegon
 Rozema, Martin. Fremont
 Russell, Alfred. Detroit
 Russell, Chas. T. Mt. Pleasant
 Russell, Henry Detroit

S

Sagendorph, D. P. Jackson
 Savidge, B. N. Reed City
 Sawyer, Alvah L. Menominee
 Searle, K. S. Ithaca
 Selling, B. B. Detroit
 Sessions, C. W. Muskegon
 Sharpe, Nelson W. Branch
 Shaw, John C. Detroit
 Sheehan, P. J. Detroit
 Sheldon, R. S. Houghton
 Shepard, T. F. Bay City
 Shipman, John B. Coldwater
 Shuster, Anson E. Ontonagon
 Silsbee, Hurry A. Lansing
 Simons, Chas. C. Detroit
 Simonson, John E. Bay City
 Simpson, Wm. H. Detroit
 Skeels, Rufus F. Hart
 Sloman, Adolph. Detroit
 Sloman, Edward. Detroit
 Smedley, Chas. O. Grand Rapids
 Smith, Chas. H. Manilla, P. I.
 Smith, Chas. S. Saginaw
 Smith, Clement. Hastings
 Smith, Ernest C. Kalkaska
 Smith, Hal. H. Detroit
 Smith, Henry C. Adrian
 Smith, James Cosslett. Detroit
 Smith, J. M. C. Charlotte
 Smith, Q. A. Lansing
 Smith, R. W. Manistee
 Smith, Vernon H. Ionia
 Smith, Wallis Craig. Saginaw
 Smith, Wm. Alden. Grand Rapids
 Smith, Wm. M. St. Johns

Snyder, Emil W. Detroit
 Spears, W. J. Vassar
 Speed, John J. Detroit
 Spler, S. B. Mt. Clemens
 Sprague, Wm. C. Detroit
 Stace, Francis A. Grand Rapids
 Stansell, Arthur D. Detroit
 Stearns, A. M. Kalamazoo
 Steere, J. H. Sault Ste. Marie
 Stein, Christopher E. Detroit
 Stellwagen, A. C. Detroit
 Stevens, Fred W. Detroit
 Stevens, H. W. Port Huron
 Stevens, M. W. Flint
 Stewart, H. P. Kalamazoo
 Stewart, N. H. Battle Creek
 Stewartt, Louis E. Battle Creek
 Stoddard, E. J. Detroit
 Stone, John W. Marquette
 Stone, Ralph. Detroit
 Stone, W. S. Richmond
 Storm, Carl T. Ann Arbor
 Straker, D. Augustus Detroit
 Streeter, A. T. Houghton
 Streeter, Howard Detroit
 Stuart, Wm. J. Grand Rapids
 Sullivan, Jas. E. Muskegon
 Swan, James Detroit
 Swarthout, Elvin. Grand Rapids

T

Tabor, L. A. Lawton
 Taggart, Edward Grand Rapids
 Tugart, Moses Grand Rapids
 Tarsney, T. E. Detroit
 Taylor, Orla B. Detroit
 Taylor, Walter R. Kalamazoo
 Tennent, John S. Greenville
 Thomas, Harris E. Lansing
 Thompson, B. M. Ann Arbor
 Thompson, Chas. E. Bad Axe
 Thompson, Dell H. Bay City
 Thompson, Jas. H. Evart
 Thorington, C. C. Romeo
 Thornton, Howard A. Grand Rapids
 Townsend, Chas. E. Jackson
 Townsend, W. L. Gaylord
 Travis, Philip H. Grand Rapids
 Trudell, F. J. Menominee
 Tucker, J. G. Mt. Clemens
 Tucker, W. S. Big Rapids
 Turner, Jerome E. Muskegon
 Turner, Willard J. Muskegon
 Tuttle, Arthur J. Leslie

U

Underwood, M. W. Traverse City

V

Van De Mark, S. O. Detroit
 Vanderwerp, John Muskegon
 Van Riper, Jacob J. Niles
 Van Zile, Phillip T. Detroit
 Voorheis, P. W. Plymouth

W

Walbridge, H. E. St. Johns
 Walsh, Jos. Port Huron
 Walters, Henry C. Detroit
 Wanty, Geo. P. Grand Rapids
 Warner, Wm. W. Allegan
 Warren, Benj. S. Detroit
 Warren, Chas. B. Detroit
 Watkins, Roy M. Grand Rapids
 Watt, Chas. A. Grand Rapids
 Weadock, John C. Bay City
 Weadock, Thos. A. E. Detroit
 Weaver, Clement E. Adrian
 Webster, Elmer E. Pontiac
 Weeks, M. D. Albion
 Wessellius, Sybrant Grand Rapids
 Westerman, Walter S. Adrian
 Wetherbee, Wm. H. Detroit
 Wicks, Kirk E. Grand Rapids

Wiest, Howard Lansing
 Wilkins, Chas. T. Detroit
 Wilkinson, Ralph B. Detroit
 Williams, Arthur B. Battle Creek
 Williams, W. B. Lapeer
 Wilson, Chas. M. Grand Rapids
 Wilson, Chas. L. Saranac
 Wilson, F. W. Muskegon
 Wilson, Hugh E. Grand Rapids
 Wilson, Thos. A. Jackson
 Wolcott, Alfred Grand Rapids
 Wolcott, Frank T. Port Huron
 Wolcott, Laurens W. Grand Rapids
 Wolf, Gustave A. Grand Rapids
 Wood, Clark C. Lansing
 Wood, Fred B. Tecumseh
 Wood, Nathan S. Saginaw
 Worch, Rudolph Jackson
 Wright, Benj. S. Mt. Clemens
 Wright, C. A. Hancock
 Wunsch, Henry Detroit
 Wykes, Roger I. Grand Rapids

Y

Yeo, Wm. T. West Branch
 Yerkes, Geo. B. Detroit
 Young, H. O. Ishpeming
 Younglove, Lyle G. Detroit
 Youngs, Dan Evart

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ADRIAN

Alexander, W. B.
Baldwin, Clark L.
Bennett, A.
Bird, Jno. E.
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Joslin, Theo. M.
Larwill, Harry L.
Priddy, F. E.
Smith, Henry C.
Watts, Richard A.
Weaver, Clement E.
Westerman, Walter S.

ALBION

Culver, Adelbert
Loud, Edw.
Weeks, M. D.

ALLEGAN

Warner, Wm. W.

ANN ARBOR

Brewster, Jas. H.
Bunker, R. E.
Duffy, Jno. L.
Freeman, A. F.
Hutchins, Harry B.
Jones, Frank E.
Kinne, E. D.
Lane, Victor H.
Storm, Carl T.
Thompson, B. M.

BAD AXE

Bope, Wm. T.
Clark, Geo. W.
McNabb, Daune T.
Thompson, Chas. E.

BATTLE CREEK

Arthur, Jesse
Clark, O. S.
Hooper, Jos. L.
Hopkins, Joel C.
Ludlum, R. M.
Stewart, H. P.
Stewartt, Louis E.
Williams, Arthur B.

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Cobb, Geo. P.
Collins, Chester
Cooley, E. A.
Donnelly, Jas.
Duffy, Jas. E.
Fox, Geo. R.
Gillett, H. M.
Hall, DeVere
Hewitt, Jno. C.
Hitchcock, Chas. W.
Joslyn, Lee E.
King, Robt. L.
Kinnane, J. E.
Pratt, Frank S.
Sheppard, T. F.
Simonson, Jno. E.
Thompson, Dell H.
Weadock, Jno. C.

BAY CITY, W.

Collins, W. A.

BIG RAPIDS

Brown, Michael
Fuller, C. C.
Marsh, E. J.
Palmer, L. G.
Tucker, W. S.

BUCHANAN

Emery, Alex.

CADILLAC

Chittenden, C. C.
McIntyre, D. E.

CALUMET

Campbell, Gordon R.
Larson, Oscar J.

CARO

Quinn, T. C.

CASSOPOLIS

Harmon, Chas. O.

CHARLOTTE

McCall, Lyman H.
Maynard, Horace S.
Powers, Jas. M.
Smith, J. M. C.

CLARE

Lacy, A. J.
Perry, C. W.

COLDWATER

Chompson, Chas. U.
Humphrey, Leonard T.
Shipman, Jno B.

CORUNNA

Bush, Matthew
Chandler, A. L.
Davies, Jas. B.
McCurdy, Jno. T.

CRYSTAL FALLS

Abbott, Fred H.

DETROIT

Alexander, Chas. T., Bank Chambers
Allor, Elmer L., 709 Union Trust Bldg.
Anderson, Jno. W., 68 Moffat Bldg.
Angell, Alexis C., Union Trust Bldg
Antidel, Jno. P., 60 Buhl Bk.
Baker, F. A., 30 Whitney Opera House
Bldg.
Barbour, Levi L., 29 Buhl Bk.
Bates, Geo. W., 32 Buhl Bk.
Bayne, Jas. H., 52 Buhl Bk.
Beaumont, Jno. W., 60 Buhl Bk.
Berger, E. T., 1330 Majestic Bldg
Bierce, Herbert MacO, 32 Buhl Bk.
Bigelow, Nelson C., 8 Buhl Bk.
Bissell, Jno. H., 80 Griswold St.
Bodman, Henry E., 703 Union Trust Bldg.
Bowen, Herbert, 80 Moffat Bldg.
Boynton, Herbert E., 700 Union Trust
Bldg.
Brown, Bavard Q., 60 Buhl Bk.
Butler, T. Jefferson, 79 Home Bank Bldg.
Butterfield, O. E.
Butzel, Henry L., 511 Union Trust Bldg.
Campbell, Chas. H., 601 Union Trust Bldg.
Campbell, Henry M., 604 Union Trust Bldg.
Canfield, F. H., 62 Moffat Bldg.
Chamberlain, Robt. M., 46 Moffat Bldg.
Clark, Joseph H., 406 Hammond Bldg.
Clark, Levert, 2 Buhl Bk.
Codd, Geo. P., 716 Hammond Bldg.
Collins, L. H., 20 Buhl Bk.
Covert, Arthur H., 43 Detroit Opera House
Bldg.
Cowles, Israel T., 311 Union Trust Bldg.
Crosby, Frank N., Wayne Co. Savings
Bank Bldg.

Denby, Edwin, 723 Hammond Bldg.
Dickinson, Don M., Union Trust Bldg.
Dickinson, J. G., 38 Newberry Bldg.
Donnelly, Jno. C., 65 Moffat Bldg
Douglas, S. T., 80 Moffat Bldg.
Duffield, Henry M., 812 Union Trust Bldg.
Durfee, Edgar O.
Emmons, Harold H., 61 Moffat Bldg.
Field Geo. S., 30 Buhl Bk.
Finney, J. W., 49 Peninsular Bank Bldg.
Fitzpatrick, W. G., 404 Whitney Bldg.
Flowers, Chas., 802 Hammond Bldg.
Forler, Henry C. L., 56 Buhl Bk.
Fowler, Geo. B., 715 Hammond Bldg.
Fox, Wm. D., 66 Home Bank Bldg.
Frazer, R. E., County Court House
Gates, Jasper C., 16 McGraw Bldg.
Goff, John H., 110 Wayne Co. Savings Bank
Bldg.
Gray, Robt. T., 39 Moffat Bldg.
Gray, Wm. J., 39 Moffat Bldg.
Griffin, Levi T.
Groesbeck, A. J., 602 Majestic Bldg.
Gulse, Frank P., 496 Moffat Bldg.
Heinemen, D. E., 28 Moffat Bldg.
Helfman, Harry, 61 Moffat Bldg.
Hosmer, Geo. S., 68 Stimson Place
Hoyt, Hobart B., c-o Union Trust Co.
January, Wm. L., 4 Buhl Bk.
Jones Arthur, 410 Hammond Bldg.
Kelly, Ronald, 1911 Hammond Bldg.
Keena, Jas. T., Moffat Bldg.
Lane, Wm. P., 80 Griswold St.
Langley, Jas. P., 1102 Majestic Bldg.
Lemkie, Felix E.
Lighter, Clarence A., 901 Penobscot Bldg.
Lucking, Alfred, 60 Moffat Bldg.
McDonald, Chas. S., 715 Hammond Bldg.
McDonald, Jas. H., 42 Moffat Bldg
McGrath, Jno. W., 601 Wayne Co. Savings
Bank Bldg.
McGregor, Malcolm, 66 Home Bank Bldg.
McHugh, Philip A., 1014 Majestic Bldg.
McPherson, Chas., Fort St. Depot
Mackay, Jno. D.
MacLean, Hector, 166 Field St.
Manchester, Wm. C., 66 Buhl Bk.
Marsh, Pliny W., 906 Chamber of Com-
merce
Maybury, Wm. C., 60 Moffat Bldg.
Miller, Sidney, T., 80 Griswold St.
Millis, Wade, 603 Hammond Bldg.
Monaghan, Geo. F., 723 Majestic Bldg.
Moore, Geo. W., Campau Bldg.
Moore, Wm. A., 12 Campau Bldg.
Murfitt, J. O., 82 Moffat Bldg.

Navin, Thos. J., 702 Hammond Bldg.

Noah, F. A., 32 McGraw Bldg.

O'Brien, M. Hubert, 201 Moffat Bldg.

Ott, Louis, 47 Buhl Bldg.

Oxtoby, Jas. V., 7 McGraw Bldg.

Paddock, L. H., 214 Hammond Bldg.

Palne, DeForest

Parker, R. A., 12 Hodges Bldg.

Pendelton, E. W., 406 Penobscot Bldg.

Phelps, Ralph, Jr., 82 Griswold St.

Prentiss, Geo. H., 8 McGraw Bldg.

Reilly, C. J., 29 Monroe Avenue

Rexford, D. C., 34 Buhl Bldg.

Robson, Frank E., 720 Hammond Bldg.

Rohnert, Morse, 14 McGraw Bldg.

Rosenburg, Louis J.

Russell, Alfred, 75 Newberry Bldg

Russell, Henry, c-o M. C. R. R. Depot

Selling, B. B., 53 Hammond Bldg

Shaw, Jao. C., 904 Union Trust Bldg

Sheahan, P. J., 702 Hammond Bldg.

Simons, Chas. C., 604 Wayne Co. Savings Bank Bldg.

Simpson, Wm. H.

Sloman, Adolph, 414 Penobscot Bldg.

Sloman, Edmund, 414 Penobscot Bldg.

Smith, Hal H., 713 Hammond Bldg.

Smith, Jas. Coslett, Penobscot Bldg.

Snyder, Emil W., Majestic Bldg.

Speed, Jno. J.

Sprague, Wm. C., Majestic Bldg.

Stansell, Arthur D., 60 Buhl Bldg.

Stein, Christopher, Justice Court

Stellwagen, A. C., 421 Home Bank Bldg.

Stevens, Fred W., Fort St. Depot

Stoddard, E. J., 12 Hodges Bldg.

Stone, Ralph, care of Detroit Trust Co.

Straker, D. Augustus, 29 State St.

Streeter, Howard, 83 Moffat Bldg.

Swan, Jas., 30 McGraw Bldg.

Tarsney, T. E., 404 Whitney Bldg.

Taylor, Orla B., 13 Butler Bldg.

Van De Mark, S. O., 68 Moffat Bldg.

Van Zile, Phillip T., 605 Hammond Bldg.

Walters, Henry C., 904 Chamber of Commerce

Warren, Benj. S., 606 Union Trust Bldg.

Warren, Chas. B., 904 Union Trnst Bldg.

Weadock, Thos. A. E., Hammond Bldg.

Wetherbee, Wm. H.

Wilkins, Chas. T., 1002 Hammond Bldg.

Wilkinson, Ralph B., 43 Buhl Bldg.

Wunsch, Henry, 4 Moffat Bldg.

Yerkes, Geo. B., 41 Home Bank Bldg.

Younglove, Lyle G., 43 Buhl Bldg.

DOWAGIAC

Ketcham, C. W.

Kinnans, Jas. H.

EATON RAPIDS

Hendee, J. B.

EMPIRE

Bunting, A. F.

ESCANABA

Gallup, Geo.

EVART

Rose, C. H.

Thompson, Jas. H.

Youngs, Dan

FLINT

Aitken, D. D.

Baker, John F.

Blakley, Harvey V.

Brown, Geo.

Carton, Jno J.

Cook, Geo. W.

Durand, C. A.

Lee, Ed. S.

Parker, Jas. S.

Roberts, Clinton

Stevens, M. W.

FREMONT

Rozema, Martin

GAYLORD

Townsend, W. L.

GRAND HAVEN

Farr, Geo. A.

Pagelsen, Dan. F.

GRAND LEDGE

Alexander, Cassius

Clark, Wm. R.

GRAND RAPIDS

Backus, Ella M., Govt. Bldg.

Barnett, Jas. F., N. Lafayette St.

Boltwood, Lucius, Mich. Trust Co. Bldg.

Bradfield, Thos. P., Mich. Trust Co. Bldg

Bundy, McGeorge, Mich. Trust Co. Bldg.

Butterfield, Roger W., Wonderly Bldg.

Campbell, Jas. H., Mich. Trust Co. Bldg.

Campbell, Colin P., Widdicomb Bldg.

Clapperton, Geo., Mich. Trust Co. Bldg.

Corwin, Benn. M., Houseman Bldg.

Creswell, Harry L., Houseman Bldg.

Crane, Albert, Mich. Trust Co. Bldg.

Denison, Arthur C., Mich. Trust Co. Bldg.
 Doran, Peter, 4th Nat. Bank Bldg.
 Drury, Horton H., Ottawa Bldg.
 Fitzgerald, G., Mich. Trust Co Bldg.
 Fuller, Wm. D., Widdicomb Bldg.
 Gleason, Clark H., Powers Opera House Bldg.
 Goss, Dwight, Houseman Bldg.
 Graham, Robert D., care of 5th Nat. Bank
 Grove, Wm. E., Houseman Bldg.
 Hatch, Reuben, Widdicomb Bldg
 Heald, Henry T., Mich. Trust Co. Bldg.
 Hefferan, Geo. D., care of Mich. Trust Co
 Holcomb, Jno. W., Justice Court
 Holmes, Glenn W., Govt. Bldg.
 Huggett, Martin C., Wm. Alden Smith Bldg.
 Hyde, Wesley W., Mich. Trust Co. Bldg.
 Jewell, Harry D., Court House
 Johnstons, Andrew W., Houseman Bldg.
 Keeney, Willard F., Wonderly Bldg.
 Kingsley, Willard, Houseman Bldg.
 Kleinbans, Jacob, Mich. Trust Co. Bldg.
 Knappen, Loyal E., Mich. Trust Co. Bldg.
 Landman, Wm. J. Houseman Bldg.
 Lawrence, Jno. S., Mich. Trust Co. Bldg.
 McAllister, Jas. T., Wonderly Bldg.
 McDonald, John S., Houseman Bldg.
 McKnight, Wm. F., Wonderly Bldg.
 Maher, Edgar A., Aldrich Bldg.
 Mapes, Carl E., Mich. Trust Co. Bldg.
 Maynard, Fred A., Houseman Bldg
 Merrick, Benj. P., Mich. Trust Co. Bldg.
 More, Jno. E. Mich. Trust Co. Bldg.
 Moulton, Luther V., Houseman Bldg.
 Nichols, M. A., Wonderly Bldg.
 Norris, Mark, Mich. Trust Co. Bldg.
 O'Brien, Thos. J., Mich. Trust Co. Bldg.
 O'Keeffe, Jas. E., Monroe Street
 Owen, Chas. M., Mich. Trust Co. Bldg.
 Patton, Jno., Jr., Mich. Trust Co. Bldg.
 Perkins, Cyrus E., Mich. Trust Co. Bldg.
 Perkins, Willis B., Court House
 Powers, Jno. W., Houseman Bldg.
 Smedley, Chas. O., Houseman Bldg.
 Smith, Wm. Alden, Wm. Alden Smith Bldg.
 Stace, Frances A., Mich. Trust Co. Bldg.
 Stuart, Wm. J., City Hall
 Swarthout, Elvin, Mich. Trust Co. Bldg.
 Taggart, Edw., Mich. Trust Co. Bldg.
 Taggart, Moses, Mich. Trust Co. Bldg.
 Thornton, Howard A., Mich. Trust Co. Bldg.
 Travis, Phillip H., Mich. Trust Co. Bldg.
 Wanty, Geo. P., Govt. Bldg.
 Watkins, Roy M., Houseman Bldg.
 Watt, Chas. A., Houseman Bldg.

Wessellus, Sybrant, Houseman Bldg.
 Wicks, Kirk E., Houseman Bldg.
 Wilson, Chas. M., Mich. Trust Co. Bldg.
 Wilson, Hugh, Widdicomb Bldg.
 Wolcott, Alfred, Court House
 Wolcott, Laurens W., Mich. Trust Co. Bldg.
 Wolf, Gustave A., Mich. Trust Co. Bldg.
 Wykes, Roger Irving, Mich. Trust Co. Bldg.

GREENVILLE

Bowman, E. J.
 Griswold, N. O.
 Rarden, C. L.
 Tennant, John S.

HANCOCK

Burrett, Wm. A.
 Finnegan, J. T.
 Wright, C. A.

HART

Hartwick, L. M.
 Hanson, Winfield S.
 Skeels, Rufus F.

HARRISON

Cummins, Geo. J.
 Morrissey, Francis M.
 Quinn, Jno.

HASTINGS

Colgrove, Phillip T.
 Smith, Clement

HILLSDALE

Chadwick, Wm. E.
 Chester, Guy M.

HOLLAND

Diekema, G. J.

HOMER

Cavanaugh, H. W.

HOUGHTON

Chadbourn, T. L.
 Gray, Albert R.
 Haire, Norman W.
 Randall, Ira E.
 Rees, Allen F.
 Sheldon, R. S.
 Streeter, A. T.

HUDSON

Fellows, Grant

IONIA

Clute, Wm. K.
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Ellis, A. A.

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IRON RIVER

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ISHPEMING

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Berg, Fred H.

Young, H. O.

ITHACA

Searle, K. S.

JACKSON

Badgely, Clyde

Barkworth, T. E.

Bancker, Enoch

Cobb, W. S.

Hewitt, Adolphus E.

Kirkby, Elmer

Knowles, R. D.

Miner, Jno. W.

Northrup, Leroy

Parkinson, J. A.

Price, Richard

Pringle, Eugene

Sagendorph, D. P.

Smith, Chas. H.

Townsend, Chas. E.

Williams, Benj.

Wilson, Thos. A.

Worch, Rudolph

KALAMAZOO

Boudeman, Dallas

Browne, Thos. W.

Crane, E. A.

Howard, Harry C.

Howard, W. G.

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Knappe, F. E.

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Stearns, A. M.

Stewart, N. H.

Taylor, Walter R.

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Smith, Ernest C.

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Gaffney, F. O.

LANSING

Blair, Chas. A.

Cahill, Edward

Carpenter, William L.

Chase, Henry E.

Clark, Clarence D.

Cummine, Alva M.

Dunnebecke, Jos. H.

Foster, Chas. W.

Gardner, Henry M.

Gardner, L. B.

Grant, C. B.

Hooker, Frank A.

Hooker, Harry E.

Hopkins, Chas. C.

Kilbourne, S. L.

McAlvay, A. V.

Montgomery, R. M.

Montgomery, Stanley D.

Moore, Jos. B.

Nichols, Chas. W.

Nichols, Jason E.

Ostrander, Russell C.

Person, Rollin H.

Person, Seymour H.

Silsbee, Harry A.

Smith, Q. A.

Thomas, Harris E.

Wiest, Howard

Wood, Clark C.

LAPEER

Brown, W. E.

Williams, W. B.

LAWTON

Tabor, L. A.

LESLIE

Tuttle, Arthur J.

LEXINGTON

Beach, Watson

LOWELL

Perry, Milton M.

LUDINGTON

Danaher, M B

Phelan, Jno.

MANCHESTER

Freeman, F. M.

MANISTEE

Smith, R. W.

MARCELLUS

Walter C.

MARQUETTE

Ball, Dan H.
Clark, F. O.
Eldredge, A. B.
Miller, A. E.
Stone, Jno. W.

MARSHALL

Dennison, Edw. J.
Patterson, Jno. C.
Porter, Wm. H.

MENOMINEE

Eastman, L. D.
Opsahl, Jno. M.
Sawyer, Alvah L.
Trudell, F. J.

MIDDLEVILLE

Hendrick, Hartley E.

MIDLAND

Gordon, Wm. D.

MONROE

Golden, C. A.
Landon, Geo. M.
Lockwood, H. A.

MT. CLEMENS

Bowers, Varan J.
Crocker, Martin
Erskine, Byron R.
Jenney, W. S.
Knight, Seth W.
Miller, Fred'k C.
Spler, S. B.
Tucker, J. G.
Wright, Benj. S.

MT. PLEASANT

Dodds, Francis H.
Russell, Chas. T.

MUNISING

Donahoe, C. F.
Freeman, Henry B.

MUSKEGON

Baker, Orla H.
Carpenter, Wm.
Chaddock, Chauncey J.
Clint, S. K.
Cross, Chas. B.
Delano, Horace L.
Erwin, David, D.
Hoyt, H. J.
Hoyt, Wm. E.

Lovelace, Geo. S.
MacDonald, R. J.
Nims, F. A.
Ross, Jno. Q.
Sessions, C. W.
Sullivan, Jas. E.
Turner, Jerome E.
Turner, Willard J.
Vanderwerp, John
Wilson, F. W.

NEWAYGO

Day, A. G.
Luton, Geo.

NILES

Beaver, Theo. G.
Coolidge, Orville W.
Van Riper, Jacob J.

NORWAY

Flannigan, R. C.

ONTONAGON

Jones, John
Shuster, Anson E.

OWOSSO

Kilpatrick, Wm.
Pardee, Geo. E.

OXFORD

Jenkins, Frank E.

PAW PAW

Cavanaugh, Thos. J.

PLYMOUTH

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PONTIAC

Jacokes, Jas. A.
Patterson, Jno. H.
Webster, Elmer E.

PORT HURON

Avery, Lincoln
Gleason, John M.
Hovey, Cyrus A.
Jenks, W. L.
Ladd, S. W.
Moore, George G.
Stevens, H. W.
Walsh, Jos.
Wolcott, Frank T.

REED CITY

Savidge, B. N.

RICHMOND
Stone, W. S.

ROMEO
Lowell, Dwight N.
Thorington, C. C.

ST. IGNACE
Hoffman, Henry

ST. JOHNS
Brown, J. Earle
Dooling, Jno. C.
Lyon, Edwin H.
Smith, Wm. M.
Walbridge H. E.

ST. JOSEPH
Fyfe, L. C.
O'Hara, Jas.

SAGINAW
Beach, Emmet L.
Crane, Wm. E.
Davis, Geo. W.
Davitt, Jas. H.
Durand, L. T.
Emerick, Frank F.
Humphrey, Watts S.
McKay, Jno. A.
Naegley, Henry E.
O'Keefe, Jno. F.
Purcell, Miles J.
Quinn, Frank Q.
Smith, Chas. S.
Smith, Wallis Craig.
Wood, Nathan S.

SAULT STE. MARIE
Couch, Jno. A.
Holden, Lawson C.
McCallum, Geo. P.

McDonald, Michael F.
Oren, Horace M.
Steere, J. H.

SARANAC
Wilson, Chas. L.

STANDISH
Hayes, Sanford E.
McCarthy, John J.

STANTON
Palmer, L. C.

TECUMSEH
Wood, Fred B.

THREE RIVERS
Andrews, Bishop E.
Constantine, S. M.
Pealer, R. R.

TRAVERSE CITY
Davis, H. C.
Pratt, E. S.
Pratt, Fred H.
Underwood, M. W.

VASSAR
Spears, W. J.

WASHINGTON, D. C
Brown, Henry B.

WEST BRANCH
Sharp, Nelson
Yeo, Wm. F.

YALE
Rapley, Jesse A.

YPSILANTI
Hatch, W. B.

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Marquette Co. Bar Association.....	Dan H. Ball, Marquette.	Geo. P. Brown, Marquette.
Macomb Co. Bar Association	D. N. Lowell, Romeo.	Franz Kuhn, Mt. Clemens.
Muskegon Co. Bar Association	Willard J. Tumer, Muskegon.	Alex. Sutherland, Muskegon.
Saginaw Co. Bar Association.....	Miles J. Purcell, Saginaw.	Frank Q. Quinn, Saginaw.
Washtenaw Co. Bar Association	A. J. Sawyer, Ann Arbor.	Arthur Brown, Ann Arbor.

CONSTITUTION.

ARTICLE I.—NAME.

The name of this Association shall be : "THE MICHIGAN STATE BAR ASSOCIATION."

ARTICLE II.—OBJECTS.

The objects of this Association shall be : To maintain the honor and dignity of the profession of the law ; to increase its usefulness in promoting the due administration of justice ; and to cultivate social intercourse among its members.

ARTICLE III.—MEMBERSHIP.

Section 1. Members of the bar of Michigan in good standing and authorized to practice in the courts of Michigan, and Judges of the United States Circuit and District Courts of Michigan, may become members of this Association.

Sec 2. Each application for admission to membership must be endorsed by a member of the Association and sent to the Secretary. The Secretary shall submit applications to the Committee on Membership, which shall have full power to admit to membership.

Sec 3. The annual dues shall be Two (\$2.00) Dollars, payable to the Treasurer on the first day of January of each year. The Secretary shall, by mail, request payment of such dues. Members in arrears for one year after such request shall cease to be members without further action of the Association (as amended June 8th, 1904.)

ARTICLE IV.—OFFICERS AND THEIR DUTIES.

Section 1. The officers of the Association shall be a President, Vice President, Secretary, Treasurer and Board of Directors, of fifteen members. (As amended June 6, 1894.)

Sec. 2. The President shall act as Chairman of the Board of Directors, prepare an annual address, audit all bills and perform the duties usually incident to the office of President. In the event of his inability to perform the duties of the office, they shall devolve upon the Vice President.

Sec. 3. The Secretary shall act as Secretary of the Board of Directors, shall prepare an annual report and perform the duties usually incident to the office of Secretary. The Secretary shall keep a full and complete record of the proceedings of the annual convention, and shall from time to time arrange same in such order that they may be bound and preserved. (As amended June 19th, 1903)

Sec. 4. The Treasurer shall prepare an annual report, and shall perform the duties usually incident to the office of Treasurer. His accounts shall be audited by a committee appointed by the President. The Treasurer shall also be required to furnish a bond in such amount as the Board of Directors may direct. (As amended June 19th, 1903.)

Sec. 5. The Board of Directors shall consist of the President, Vice President, Secretary and twelve other members elected by the Association, one from each congressional district of the State. It shall prepare the program for the annual meeting. It shall have the entire management of the affairs of the Association subject to the Constitution and By-Laws. (As amended June 6, 1894.)

ARTICLE V.

The Association shall at each convention determine the place of meeting for the next year. In event of its failure to do so, such place of meeting shall be determined by the Board of Directors. (As amended June 19th, 1903)

ARTICLE VI.—AMENDMENTS.

This Constitution may be amended by a three-fourths (3-4) vote of the members present at any annual meeting.

BY LAWS.

1

STANDING COMMITTEES.

(As amended June 8th, 1904.)

There shall be the following Standing Committees of the Association, to be appointed by the President.

1. Executive, of three members.
2. Legislation and Law Reform, of five members.
3. Legal Education and Admission to the Bar, of five members.
4. Grievances, of five members.
5. Membership, of three members.
6. Historical, of five members.

(The first committee shall be appointed from the place where the annual meeting is to be held.)

1. **EXECUTIVE COMMITTEE.** It shall be the duty of this Committee, in conjunction with the President, to have the general charge of the affairs of the Association. They shall meet from time to time, as it may be deemed necessary by the Chairman, to determine upon the policy of the Association; the programme for its annual convention: the arrangements for said convention, and to prepare and submit at the meetings of the Association, resolutions and suggestions relative to the general welfare of the Association. This Committee shall have such general powers and duties as is now possessed by the Board of Directors, but shall be entitled to assume the duties of the Board of Directors only when such Board has failed to meet and take any action. (As amended June 19th, 1903.)

2. **COMMITTEE OF LEGISLATION AND LAW REFORM.** It shall be the duty of the Committee on Legislation and Law Reform:

(a) To procure, after the time has expired for the introduction of bills at each session of the legislature, copies of all bills introduced which effect in any way the law or its practice in the State; and to ascertain and judge of the need or propriety of such proposed legislation. It shall take such steps as it shall deem necessary and proper to postpone the enactment or accomplish the defeat of any of such measures as they may consider unwise or injurious.

(b) To ascertain and report to the Association such legislation as it may consider necessary to carry into effect the suggestions contained in the reports of committees and papers read at any meeting, and to prepare and present such legislation to the Association in the form of bills or joint resolutions appended to its report. It shall present to the Governor and Legislature, in the form of a memorial, such measures as are endorsed and recommended by the Association, and in the name of the Association, shall take such steps as may be proper to ensure the enactment of such bills and joint resolutions.

(c) To observe the working of the judicial system of the State, collect information, examine projects for changes or reforms in the system, and recommend to the Association such action as it may deem expedient.

(d) To cause information to be given, between September 1 and November 1 of each year, through the public press or otherwise, that it at all time invites suggestions, formulated in writing, as to changes in the law relating to the administration of justice, which

suggestions shall be mailed and addressed to the Secretary of the Association and endorsed "For the Committee on Legislation and Law Reform."

3. **COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO THE BAR** It shall be the duty of the Committee on Legal Education and Admission to the Bar to take into consideration the subject of legal education and other requisites for admission to the bar, and to recommend to the Association such changes as it may deem necessary to propose in the laws, system and mode of legal education and of admission to the practice of the law in the State.

4. **COMMITTEE ON GRIEVANCES** It shall be the duty of the committee to receive and investigate all charges of misconduct justifying suspension, or disbarment, which may be made to it by responsible parties against any attorney of the State. If, upon investigation, probable cause to believe the charges to be true is found to exist, the committee shall cause proceedings to be taken to procure the disbarment of such attorney. The committee shall also investigate such other grievances affecting the profession of the law as may be brought to its attention, and recommend to this Association a remedy therefor.

5. **COMMITTEE ON MEMBERSHIP.** It shall be the duty of this committee to pass upon applications, and it shall have power to admit. (As amended August 12, 1902.)

6. **HISTORICAL COMMITTEE.** It shall be the duty of the Historical Committee to have in charge the preparation and presentation of such papers of a biographical and historical value as relates to the history of the administration of justice in Michigan.

II.

ORDER OF BUSINESS.

(As amended June 8, 1904.)

The order of business at the annual meetings shall be as follows :

- a) Reading of Minutes of Preceding Meeting.
- b) Address of the President.
- c) Report of the Secretary.
- d) Report of the Treasurer.
- e) Report of the Board of Directors.
- f) Report of the Committee on Legislation and Law Reform.
- g) Report of the Committee on Legal Education and Admission to the Bar.
- h) Miscellaneous Business.
- i) Election of Officers.
- j) Reports of Special Committees.

III.

(The By-Laws were amended by striking out By-Law III., which designated the Michigan Law Journal as the official organ of the Association. The Detroit Legal News is now the official organ of the Association.) All addresses and papers read at the annual meeting shall be lodged with the Secretary.

IV.

AMENDMENT.

These By-Laws may be amended by a majority vote of the members present at any meeting.

V.

The officers and committees of this Association shall be entitled to have paid, from the funds of the Association, their actual expenses incurred in the performance of their respective duties. (Added May 29, 1901.)

What the Michigan State Bar Association has Done and is Doing.

LAWS ENACTED AND RULES ESTABLISHED BY REASON OF THE DIRECT INFLUENCE OF THE ASSOCIATION.

Revised Court Rules.
Code of Legal Ethics.
Law Establishing a Board of Law Examiners.
Law Increasing number of Supreme Court Justices.
Negotiable Instruments Law.
Law Regulating the Employment of Expert Witnesses.

OTHER MATTERS CONSIDERED BY THE ASSOCIATION BUT NOT COMPLETED, ENACTED INTO LAWS OR ADOPTED AS RULES.

Arbitration.
Abolishment of Fee System in Justice's Courts.
Rules for admission to Practice Law.
Torrens system of Land Registration.
An Intermediate Court.
Revision of Article VI (Judiciary) of State Constitution.
Marriage and Divorce.
Remedy for Special and Local Legislation.
A suitable Memorial to Judge Christiancy.
Amendments to Court Rules.

ANNUAL ADDRESSES BY NON RESIDENTS OF MICHIGAN.

- 1896 The Reform Procedure: Its advantages and its limitations.
Hon. J. Newton Fiero, Albany, N. Y.
- 1897 The Evolution of Maritime Law.
Hon. Harvey D. Goulder, Cleveland, O.
- 1899 Disarmament.
Henry Wade Rogers, L. L. D., Chicago, Ill.
- 1900 How May We Govern Our New Territory.
Hon. William R. Day, Canton, O.
- 1903 Damage Law and Damaged Lawyers.
Hon. Seymour D. Thompson, New York City.
- 1904 Northern Securities Case, with some review of prior decisions under the Anti-Trust Law.
Hon. John K. Richards, Cincinnati, O.

PRESIDENT'S ADDRESSES.

- 1891 (No title given) Hon. Henry M. Duffield, Detroit.
- 1892 (No title given) Hon. Thos. J. O'Brien, Grand Rapids.
- 1893 (No title given) Hon. Edward Cahill, Lansing.

- 1894 No address (President George H. Durand of Flint was unable to attend the meeting.)
- 1895 (No title given) Hon. Martin V. Montgomery, Lansing.
- 1896 (No title given) Hon. George P. Wanty, Grand Rapids.
- 1897 (No title given) Hon. O'Brien J. Atkinson, Port Huron.
- 1898 (No title given) Hon. Michael Brennan, Detroit.
- 1899 (No title given) Hon. Thos. E. Barkworth, Jackson.
- 1900 Dangers incidental to the system of electing Judges for short terms of service.
Prof Bradley M. Thompson, Ann Arbor.
- 1901 (No title given) Hon. George W. Weadock, Saginaw.
- 1902 (No title given) Hon. Mark Norris, Grand Rapids.
- 1903 (No title given) Hon. Adolph Sloman, Detroit.
- 1904 (No title given) Hon. Russell C. Ostrander, Lansing.
- 1905 The Common Law and Statute Laws in Michigan.
Hon. Chester L. Collins, Bay City.

OTHER ADRESSES AND PAPERS.

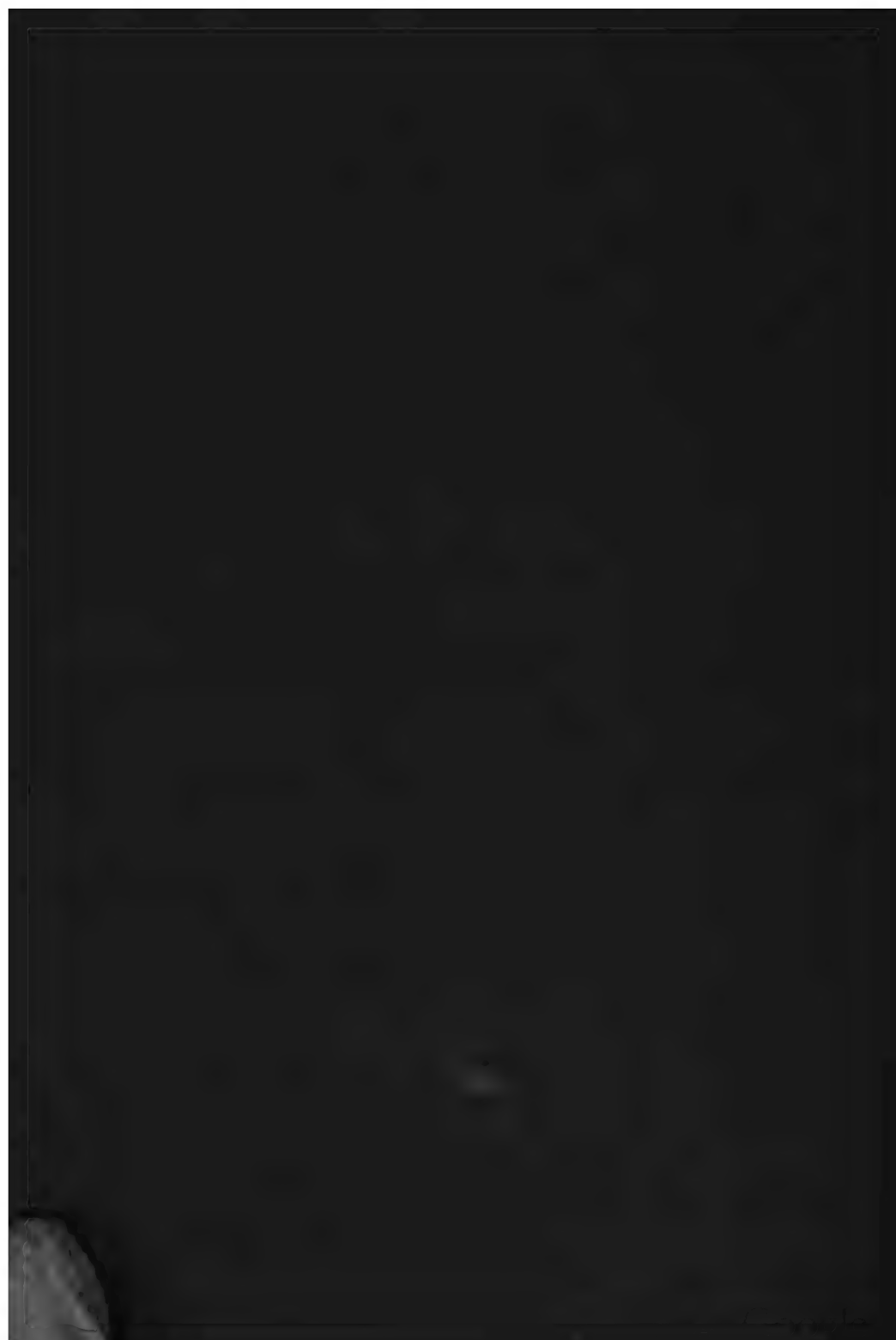
- 1893 The Mission of the State Bar Association.
Ralph Stone, Esq., Detroit.
- 1893 (No title given) Annual Address.
Hon. George H. Durand, Flint.
- 1893 Revision of the Constitution.
Hon. Thos. E. Barkworth, Jackson.
- 1893 Should Michigan adopt a code of Civil Procedure ?
Affirmative, Eli R. Sutton, Esq, Detroit ; negative, Hon. Alfred Russell, Detroit
- 1893 Some Reforms in the system of Jury Trial.
Hon. John A. Edget, Saginaw.
- 1893 California system of Codes.
Hon. W. H. H. Russell, Detroit.
- 1894 Some Practical Suggestions for the amendment of Michigan Circuit Court Practice.
Hon. Chester L. Collins, Bay City.
- 1894 Unjust Criticisms of Courts and Juries.
Hon. E. E. Osborne, Ishpeming.
- 1894 Grand Juries.
Hon. O'Brien J. Atkinson, Port Huron.
- 1895 Some Results of the Dartmouth College case.
Hon. Geo. P. Wanty, Grand Rapids.
- 1895 Progressive Conservatism of the Law.
Hon. Chas. Flowers, Detroit.
- 1895 Critique on Jury System; suggestions for changes.
Hon. A. R. Avery, Port Huron.
- 1898 In Cuban Affairs the U. S. have adhered to their Traditional Doctrines.
Hon. Wm. H. Wells, Detroit.
- 1898 The Development of the Law as illustrated by the decisions relating to the Police Powers of the States.
Hon. Alfred Russell, Detroit.
- 1899 Is Internationalism a Dream?
Hon. Edward Cahill, Lansing.
- 1899 Uniformity of Laws.
Hon. S. M. Cutcheon, Detroit.

-
- 1900 Medical Expert Testimony, from a Physician's standpoint.
Dr. W. J. Herdman, Ann Arbor.
- 1900 A Neglected Study.
Hon. DeVere Hall, Bay City.
- 1903 The Negotiable Instruments Law in the Legislature.
Hon. Geo. W. Bates, Detroit.
- 1903 Three Constitutional Questions decided by the Federal Supreme Court during the
last four months.
Hon. Alfred Russell, Detroit.
- 1904 Reminiscences.
Hon. Jos. B. Moore, Lansing.
- 1904 Expert Testimony and the Law.
Hon. Sam'l T. Douglas, Detroit.
- 1904 The Scope, Uses and Value of a Special Verdict in the trial of Civil Causes by a Jury
Hon. B. J. Brown, Menominee.
- 1904 The Indeterminate Sentence Law,
Hon. Alfred Wolcott, Grand Rapids.
- 1904 Railways in the Streets and Highways of Michigan.
Hon. Harry A. Lockwood, Monroe.
- 1904 Ideals in the Administration of Justice.
Hon. Mark Norris, Grand Rapids.
- 1905 Directing a Verdict.
Hon. Nelson Sharpe, West Branch.

PROCEEDINGS
OF THE
SEVENTH ANNUAL MEETING
OF THE
MICHIGAN STATE
BAR ASSOCIATION

1911-1912





PROCEEDINGS
OF THE
Seventeenth Annual Meeting
OF THE
MICHIGAN STATE BAR
ASSOCIATION



WITH CONSTITUTION, BY-LAWS,
OFFICERS, MEMBERS, ETC.



KALAMAZOO, MICHIGAN

JUNE 27 AND 28, 1906

WEST MICHIGAN
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PROCEEDINGS.

PROCEEDINGS
OF THE
SEVENTEENTH ANNUAL MEETING
OF
The Michigan State Bar Association

Kalamazoo, Mich., June 27-28, 1906.

Court House, Wednesday, P. M., June 27th, 1906.

The meeting was called to order by Hon. W. G. Howard, who said:

"In behalf of the local bar of this city, I am pleased to welcome you to the city of Kalamazoo, and personally, I am very much pleased that the number present, at this first session, is so large.

Invocation will now be offered by Dr. Gelston, pastor of the First Presbyterian Church of this city."

Almighty and ever blessed God, we thank Thee that Thou who art the author of our being hast constituted within us the laws of life. We thank Thee that whether we look out upon the universe or within our own souls we are made mindful of this fact. May we realize, increasingly, we who have been taught by experience in the past, that all of the rectitude and justice of the world are founded upon the nature of things; that all the arbitrary enactments of man cannot set aside the eternal laws of the Infinite. We thank Thee that the human mind, normally, reaches out for Thyself; that, whether in profession or belief we agree or disagree, we are all brethren in the great fact that we are seekers after truth, truth in its

infinite variety, in its plentitude and its power. We thank Thee that Thou hast put into our souls aspirations after the ideal; that though our attempts must necessarily be tentative in every direction and pursuit, yet are they cumulative and add the experiences of the past to the powers of to-day. So help us, our God, to organize our institutions and to conduct our methods in the world so that Thou canst bless us as interpreters of Thy great laws. Give to us the increased consecration that should come from a knowledge of the fact that we must give an account to the great Judge of the universe for all that we do and think and say, not only, but for all that we are in this world of time. Impress upon us the solemnity of life; the interests that are at stake which Thou hast placed in the hands of those who administer the affairs of government; and may these whom Thou hast put into positions of power, especially, have placed within their knowledge, their hearts and their consciences, the great sense of a responsibility from which they shall never be able to escape. To this end give wisdom to the deliberations of the hour. Give, especially, an earnest and heartfelt desire to each soul that Thy will through us may be done in the name of the Lord Jesus Christ, Amen.

The President then read his address, as follows:

(See Appendix for President Howard's Address.)

In closing his address the President said—

THE INCORPORATION OF THE ASSOCIATION

The secretary informs me that a large number of members of the association are under the impression that our association has been incorporated. Some years ago, a committee was appointed to accomplish that purpose. The secretary tells me that he has corresponded with the secretary of state and that there is no evidence of any incorporation of this association in the secretary of state's office. I think it should be incorporated. I recommend that before this annual meeting adjourn that a special committee of three or five members be appointed to take up and perfect the incorporation of the association.

President: Now, gentlemen, the address of the president is open for discussion on any of these points. I hope, if anybody has any criticism to make in regard to any of the matters I have presented, they will not hesitate to make them. It is only by discussion and counter-discussion that we can bring out all sides to any of the questions presented.

Judge Lockwood: Mr. President, there was one thing

recommended in the President's address in which I am personally very much interested, and I would like to have an expression from the association on that subject, to the end that we may have legislation upon it.

The new act providing for a change of venue has worked a hardship to at least one circuit in the state. We are very close to Wayne county and we get a great many of its cases; one difficulty about the law is, that there is no provision in it for the bearing of the cost. Of course the judge of Monroe Circuit has no objection to trying all of the cases that are transferred there, but thinks it is entirely wrong that civil cases should be sent there and made a burden upon the county to which they do not belong. We now have three or four very long cases pending, one perhaps will take five or six weeks.

Now Mr. President, I move you that the Committee on Legislation and Law Reform be requested to use every effort to the end that the present act, or the act of 1905 providing for change of venue, be repealed. I think the law as it stood before was perfectly good and fair. This law is bad in many respects. Its working has shown that every affidavit that has been filed under it sets forth every reason given in the statute.

President: Is there any support to Judge Lockwood's motion?

Mr. Knappen: I support the motion.

President: It is moved and supported that the Committee on Legislation and Law Reform of this association use all legitimate means in its power to procure the repeal of the change of venue act, passed by the legislature of 1905.

Are you ready for the question? If so, all in favor signify by saying, aye.

The motion was put and carried.

Mr. Patterson: Mr. President, the matter referred to

in the President's address, concerning the extraordinary fees required to take cases to the United States Court of Appeals, is a very important one and should be given the serious consideration of this association. I think the same rules pertain to the removing of cases to the United States Supreme Court. In both of those courts, as I understand it, the transcripts of the entire record must be provided, at the expense of the appellant, and, then, the record must be printed at the rate of a dollar a page, by the Clerk of the Court of Appeals or the Clerk of the Supreme Court. As a result, it makes it financially impossible for a large class of litigants to take a case to the Court of Appeals or the United States Supreme Court. I, therefore, move you that this matter be referred to the incoming Committee on Legislation and Law Reform, and that they be given authority in the premises.

President: Do I hear a support to this motion?

Judge Van Zile: I think, in addition to what Mr. Patterson has said, that there should be an expression from the bar association relative to that matter. It is a matter of common knowledge that there has been more or less discussion of this matter all through the state, and throughout the other states of the Union. No doubt, there will be something presented to Congress regarding it. It is a crying evil. It has come to that pass where no man of ordinary means can have his case reviewed from the district or circuit courts of the United States. I think that the Committee on Legislation and Law Reform should have the encouragement and weight of the influence of the whole of this bar association upon that question; that it may go into the records of this association that we are, one and all, feeling upon this subject; and that that may be done I hope that there will be a vote by every man present, upon this resolution.

President: That might be accomplished in this same

motion by saying "it is the sense of this association that a radical reform ought to be worked in the matter of the costs and that it be referred to the committee."

Judge Van Zile: I second the motion.

Mr. Gray: Mr. President, this matter has already been taken up by the Detroit Bar Association. I wish to inform this association that at the last meeting of the Detroit Bar Association provision was made for the appointment of a committee to consider the question of the cost of appeals to the Court of Appeals and the United States Supreme Court. Part of the fee is prescribed by statute and it may be necessary to have Congress adopt some remedial legislation. I know that our association would be very glad to co-operate with this association, in procuring a revision of the fees.

President: It is moved and supported that it is the sense of this association that some action should be taken to reduce the cost of appeals in the federal court, and that the matter be referred to the Committee on Legislation and Law Reform, with instructions to do everything in their power to bring about a reform in that connection.

The motion was put and carried unanimously.

President: The next thing in order is the report of the secretary.

(See Appendix for Secretary's Report.)

Mr. Perry: I move that the report be accepted and placed on file.

Mr. Cavanaugh: I support the motion.

The motion was put and carried.

President: The next business will be the Treasurer's Report.

(See Appendix for Treasurer's Report.)

Mr. Patterson: I move the report be adopted.

Mr. Knappen: I support it.

The motion was put and carried.

Mr. Kinnane, of Dowagiac: Mr. President, if it is in order I would wish to call the attention of the bar, briefly, to a matter in the president's address that was new to me, though perhaps not to the rest of you; to that portion with reference to the matter of the payment of official stenographers for the transcription of records. Now as I have said, that idea is new, but I believe it is good.

I would move, therefore, that that phase of the president's address relative to the payment of the fees of official stenographers for transcripts be referred to the Committee on Legislation and Law Reform, with power to act.

Mr. Patterson: I support the motion.

President: It is moved and supported that that matter be referred to the Committee on Legislation and Law Reform, with power to act.

The motion was put and carried.

President: The next order of business is the report of the Committee on Legislation and Law Reform.

Judge VanZile: Before that report is read would it not be a good idea for this body to have a committee, appointed by the chairman, on division and reference, and have submitted to them the president's address; that committee to look over the address and recommend its references to the several committees. It would save many motions, and the suggestions of the president would go to a proper committee. It would not take the committee but a very short time to take that address and tell where the subjects should go.

President: They could report the first thing tomorrow morning?

Judge VanZile: Yes; if it meets with the general approbation, I would move that the chairman appoint a committee of three on division and reference, to whom shall be referred

the president's address, with power to report to the committees the several subjects referred to therein.

Which motion was put and carried.

President: The chair appoints, as such committee: Judge VanZile, of Detroit; James H. Kinnane, of Dowagiac, and Charles M. Wilson, of Grand Rapids.

President: The next subject in order will be the report of the Committee on Legislation and Law Reform.

(See Appendix for Report of Committee on Legislation and Law Reform.)

President: What will you do with the report?

Mr. Stewart: I move that it be accepted and adopted.

Mr. Kinnane, of Bay City: Mr. President, I agree with the report and favor its adoption, in all except the portion that refers to the statute providing for a change of venue. I do not think that it would be proper or wise for this bar association to go on record as approving the recommendation that has been made upon this point. The statute in Michigan is a new one. It has not yet been given a fair trial. The rule of the Supreme Court providing for the time when this motion must be made limits, very largely, any abuse that it may be put to; and, on the other hand, there are cases when a change of venue ought to be had, and when a change could not be had under the old system. While there may be some abuse of the provisions of that statute, making the affidavit absolute and conclusive, so long as it states the statutory facts, it is all right. With all due deference to the circuit judges, we sometimes find instances where it would not be proper or conducive to good results to leave the question of whether they were prejudiced or warped or interested, to their decision. I state this upon the basis that none of us really believe, at any time, that we personally are prejudiced. Other people may, with good reason. I think that the law is remedial; it covers an important element in practice; it makes it possible where conditions, in the eye of the litigant,

judging from his own standpoint, are such that require a change; while, looked at from the standpoint of somebody else, it might not require a change. Now, in addition to this, under the present statute, when a change of venue is granted, the judge of the circuit, from which the change is made, has a right to designate the court to which it is transferred. With these limitations upon the law, it seems to me, there will be no very serious abuses, and I can see where a great many very beneficial results would come from it in its present form. I would be opposed to endorsing that part of the recommendation of the committee.

Judge Lockwood: I apprehend the gentleman was not here when I made the motion, Mr. President. That question has already been decided, by a unanimous vote of the association, on my motion requesting this committee to procure the repeal of the act, if possible.

Mr. Kinnane: You mean at this meeting?

Judge Lockwood: At this meeting.

President: I will state, Mr. Kinnane, that the President's address has a paragraph in it recommending the repeal, or substantial modification of it. In taking that up it was voted that it was the sense of this meeting that there should be a repeal, and it was referred to the Committee on Legislation and Law Reform, to do what they could in that regard. It has not been repealed yet, however.

Mr. Kinnane: I don't think it ought to be.

President: It is a good deal easier to pass a resolution than it is to repeal. Are there any further remarks? If not, we will vote on the motion to accept and adopt the report of the Committee on Legislation and Law Reform.

The motion was put and carried.

President: The next matter, in order, is the report of the Committee on Legal Education and Admission to the Bar.

Mr. Kinnane: Mr. President and Gentlemen: I beg to report that our committee has examined the subject and present status of the law and rules governing legal education and admission to the bar, in Michigan; and that it is the opinion of the majority of the committee that the present status of matters is quite satisfactory; that there is nothing that we could recommend or present to this association that would be worthy of the attention of the association or action by it; and we, therefore, have made no formal report. This is the sense of all of the members of the committee.

President: As I understand it, the verbal report of the committee is that matters as they now stand are satisfactory. What will you do with the report of the committee.

Judge VanZile: I move it be accepted and adopted.

Mr. Cropsey: I support it.

Which motion was put and carried.

President: The next order of business is the Report of the Committee on Grievances.

(See Appendix for Report of Committee on Grievances.)

President: What shall we do with the report?

Mr. Denison: I move it be accepted.

Mr. Cropsey: I second the motion.

Which motion was put and carried.

President: We will next listen to the Report on Membership.

Judge Brown: Mr. President, the report is in the hands of the Secretary.

(See Appendix for Report of Committee on Membership.)

President: What is the will of the association, in regard to the report just read?

Judge Brown: I move that the report be accepted and adopted.

M. Cavanaugh: I support it.

Which motion was put and carried.

President: I want to make the announcement that Judge Lurton's address will be delivered to-morrow at 10 o'clock. I have learned, since the convention has been in session, that Judge Severens is preparing a paper on the life of Judge Graves, or his services on the bench, and that if it is the desire of the association—I understood he was preparing it for his own benefit—he will deliver it, immediately after Judge Lurton's speech to-morrow. I at once informed Judge Severens that we would be very glad to have him do so.

Judge VanZile: In order that it may not be overlooked I would move that a committee of three be appointed, from this association, to wait upon Judge Severens and invite him to come before the association and deliver the address upon the life of Judge Graves.

President: I think it would be a courtesy to Judge Severens to do that. Is there a support to the motion.

Mr. Kinnane: I support it.

President: It is moved and supported that a committee of three be appointed to invite Judge Severens to deliver an address in connection with the life and services of Judge Graves.

Which motion was put and carried.

President: I will appoint as such committee: Judge VanZile, Dallas Boudeman and James E. Chandler.

President: Now, there is the question of the nomination of officers. In looking over the minutes of other sessions I notice that this has been done by the appointment of a committee, to suggest officers. The election of officers will take place to-morrow afternoon. I think perhaps it would be a good plan to appoint that committee tonight; they can report to-morrow afternoon.

Judge Lockwood: I move that the chair appoint a committee of five members, on nominations.

Mr. Knappen: I support it.

Which motion was put and carried.

President: I will appoint on that committee, Judge Lockwood of Monroe, Judge Wolcott of Grand Rapids, Judge Mills of Kalamazoo, Mr. W. L. January of Detroit and Judge Brown of Big Rapids.

Mr. Kinnane: I move that we adjourn until 9 o'clock, to-morrow morning.

Which motion was put and carried.

Thursday, A. M., June 28, 1906.

President: The association will please come to order.

Without following out the printed program, exactly, we will change the order somewhat, and have the address of Judge Lurton, at this time.

Gentlemen of the association, I have the pleasure of introducing to you as the speaker at this annual meeting of the Michigan State Bar Association, the Honorable Horace H. Lurton, of the United States Court of Appeals, for the Sixth Circuit. (Applause.)

(See Appendix for Judge Lurton's Address.)

Mr. Osborn: I move that a vote of thanks of the Michigan State Bar Association be extended to Judge Lurton.

Mr. Knappen: I support the motion.

Which motion was put and carried.

President: Gentlemen of the Bar Association, I have the honor and pleasure to introduce to you Judge H. F. Severens, a member of the Kalamazoo County Bar, and of the United States Court of Appeals, who has kindly consented to read a paper on the life and services of Judge B. F. Graves. (Applause.)

(See Appendix for Judge Severens' Address.)

Mr. Stewart: I move that a vote of thanks be extended to Judge Severens for the paper he has just given us.

Mr. Denison: I support the motion.

The motion was put and carried.

President: We will listen, now, to the report of the Committee of Historians, which will be read by the Secretary, in the absence of Judge Cahill.

(See Appendix for Report of Committee of Historians.)

Mr. January: I move that the report be accepted and adopted.

Mr. Cropsey: I support it.

Which motion was put and carried.

President: What is the further pleasure of the convention.

Judge Van Zile: I have the report of the Committee on the President's Address.

(See Appendix for Report of Committee on Division and Reference.)

Judge Van Zile: We have made recommendations, as to certain portions of the address, that they be referred to special Committees, for the reasons suggested yesterday. It seemed to the Committee that if all these matters be referred to the Committee on Legislation and Law Reform it would be loading that committee down too heavily, and that, perhaps, it could not do so much good for the association as it otherwise might. We have, therefore, in some instances, asked that special committees be appointed on these important subjects.

President: Gentlemen, what will you do with the report of the committee?

Mr. Chandler: I move that it be accepted and adopted.

Mr. Cropsey: I support it.

Which motion was put and carried.

Judge Lockwood: The Committee on the Christianity Monument, at a meeting of this association in 1904, were instructed to ascertain the cost of a monument and investigate, if possible, the whole subject matter of placing a monument over the grave of Judge Christianity. Judge Christianity was buried in a private cemetery in the township of Dundee, upon a farm which had been owned by him for many years. The cemetery was a small affair; there were some of his relatives there and when he sold the farm he retained the title, in himself; it had become in a very neglected condition and, perhaps, a criticism of its condition was what lead to the appointment of this committee. The committee investigated the state of the title; and corresponded with the children of Judge Christianity, who held the title, but were unable to gain their consent to the doing of any work upon the ground where Judge Christianity was buried. In the report of this committee, to the meeting of this association held in 1905, these facts were set forth and a recommendation was made that the association undertake to place in the law library, in the capitol at Lansing, some suitable memorial of Judge Christianity. I was not present at that time, but I find, from the minutes, that this committee was continued, with instructions to investigate and take such action as to the committee should seem proper and best, looking towards the securing of a bust of Judge Christianity and the placing of such bust in the law library, at the captiol in Lansing. This committee has had two meetings; one, at the city of Lansing, at which all of the members, except one, were present. We found it was very difficult to secure a good likeness or photograph of Judge Christianity. We corresponded with all of the members of the family. We wrote to Washington, to Lansing and to other places, but found that the photographs were in the hands of those who were unwilling to part with them. I have, however, within the last week, secured one very fair likeness of Judge Christianity. I have also secured,

from the members of his family, two or three other likenesses. I have them with me and I would be glad to have the members of the association examine them. Those who knew Judge Christiancy will determine whether they are accurate likenesses of him. Of course, there is an oil painting of Judge Christiancy in the Supreme Court room in Lansing. The committee instructed me to correspond with Mr. E. C. Potter, an artist and sculptor, who resides at Greenwich, Connecticut, a brother-in-law of Charles Hopkins, clerk of our Supreme Court. I have had some correspondence with Mr. Potter. I find, first, that he is a man of an established reputation. Mr. Potter informed me that he can model a satisfactory bust and likeness of Judge Christiancy, if he can have two or three photographs showing the head and shoulders at different angles. Now these are not very satisfactory likenesses. One of them is as I remember Judge Christiancy, but one of the others is not very satisfactory, I think, and Mr. Hopkins agrees with me, that by taking this oil painting and these photographs, and a steel engraving, which I think exists, that a suitable model may be made from which a bust in marble may be made. Such a bust, similar to the one of Judge Campbell that is in the law library in the capitol at Lansing, will cost one thousand dollars. I suppose the members of the bar recall that bust,—at the north end of the law library; it is upon a pedestal of its own.

It was thought, by the committee, that if this association felt disposed to undertake the work that it would be well to have the bust made, and if made, we may look forward to the time when the four men who constituted the Supreme Court at the time Judge Christiancy was a justice of that court, shall be there represented, in marble. The expense, as I say, would be about a thousand dollars; that is the estimate of two different artists,—a thousand dollars for each bust.

The committee has labored under some difficulties; in

the first place we could not put a monument over the grave, and now we have found it very difficult to get a good likeness of the Judge. This one, shows him as I remember him when I was quite a young man. He was a noted man of our county; I had known him, in a way, when I was a boy, and I think it is a fair likeness. I might say that Judge Christianity's body has, within the last two weeks, been taken from the private cemetery in Dundee and interred in the city of Monroe, by his son George W. I will also say that, through George W. Christianity, the children express the desire that whatever is done by this association be in the way of placing some memorial at the capitol, in Lansing, rather than by placing a monument over his grave.

The question now is, can we undertake to put a bust of Judge Christianity in the law library at an expenditure of a thousand dollars? That is the important question that you have to determine. This committee has done all that it can do, up to the point of furnishing the thousand dollars. It hasn't the thousand dollars in its treasury. The question now is, whether or not the association can undertake to do this work and can a satisfactory arrangement be made for this expense.

President: Gentlemen of the association, what will you do with the report of Judge Lockwood?

Judge Van Zile: I move that it be accepted and adopted. In moving this I desire to make a suggestion, and possibly the members of the association may think it best to act upon this suggestion. I understand from the Secretary that he has six hundred members. Now, it seems to me that it would be a pleasure for every member of the bar association of the State of Michigan to make some contribution in the way of paying for this bust. It strikes me that the committee have acted wisely in recommending that that shall be done. Why wouldn't it be a proper way of arriving at this,

in order that everyone may have the pleasure of contributing, to pass a resolution that the Secretary correspond with each member of the association, and collect from them the sum of two dollars to be expended in paying for this bust, I think there is not a member of the association but would feel that it would be a pleasure to contribute that amount. I think that in that way every member would have the opportunity of contributing. It seems to me that such a popular contribution would meet with the approval of the bar of the state. I suggest that when this motion is carried that it be followed by such a resolution.

President: Is there a support to the motion that the report be accepted and adopted?

Mr. Kinnane: I support it.

The motion was put and carried.

President: The suggestion occurs to me that this committee would do well to continue, because there will be some things to look after, I think that the members of the bar outside of this association would be very glad to contribute, I think that Clerk Hopkins should open a subscription in his office for the association and I think there would be no difficulty in raising the amount.

Judge Van Zile: I think there would be no difficulty in raising the amount, but this suggestion occurs to me,—that the members of the bar who have not joined the association should be asked to do so, and then it would be subscribed to by members of the association only. If the association can, it occurs to me, it would be just as well to have it do it. It would be well, with reference to the members of the bar outside of the association, to suggest to them that they are losing a great privilege in not belonging to this body. I make a motion along the line of that suggestion—that the Secretary be instructed to correspond with the members of the

association asking for a contribution of two dollars to be used for this purpose.

Mr. Dension: I support it.

Judge Stearns: Do I understand that motion includes the continuance of this committee?

President: Yes, I put that in.

Judge Stearns: I suppose it would be understood that in collecting that two dollars that it should go into the association and that the work is done by the association so there cannot be any question about a little surplus that would arise.

Judge Van Zile: Oh, yes.

President: Are you ready for the question.

The question was put and carried.

The next order of business is the Report of the Special Committee on Local and Special Legislation.

(See Appendix for Report of Committee on Local and Special Legislation.)

President: Gentlemen, what will you do with the report?

Mr. Kinnane: I move that it be adopted.

Mr. Patterson: I support it.

Which motion was put and carried.

President: I want to call the attention of the visiting members of the association, or rather the members of the association who are here from out of the city, that there will be an automobile ride at half past one, and we expect them all to be on hand, at the court house grounds, at that hour.

Judge Lockwood: Are we to meet this afternoon in the regular session, or will the officers of the association be elected at the present time?

President: No, we will meet this afternoon.

Judge Van Zile: Before we adjourn, the suggestion occurred to me while the very able report was being read by Mr. Pratt, that one of the things of importance to this association is to increase its membership. That report, I think, is a very valuable report to every member of the bar of the state of Michigan who has any interest in his profession and in his people. Now, if the members of the bar, who are outside of the association, could know something of what this association is doing, and know something of the labors of these committees and the value of their reports, it would be an excellent thing. I think it would be a good idea if we would instruct our Secretary to send a copy of the printed minutes of this association to every member of the bar of the state of Michigan, with a little card printed in that his membership is requested. I am sure that a member of the bar, in any part of the state, who will take the time and occasion to read this last report, as well as the other reports, and to consider the condition of the legislation respecting these cities, will have his interest aroused to the extent that he would consider it a privilege for him to belong to this bar association. Our Secretary has not been able to tell me just exactly how much additional it would cost to send out these proceedings but he has made something of an estimate, and I think it is worth considering. I want to bring this up this afternoon and to make a motion to send the report of this meeting, when printed, to every member of the bar of the state of Michigan with the request that he join this association.

Mr. Chandler: I will make it as a motion now.

Mr. Stevens: Mr. President, We have certainly listened to a very valuable report from this committee and it seems to have been unanimously accepted and adopted. But, it occurs to me, that we are not doing our full duty by simply accepting and adopting a report of that kind without

some further action to arouse interest on this subject. It is apparant that it is one which involves a constitutional amendment in order that the plan outlined by the committee shall ever become really effective and controlling. It strikes me that the Committee on Legislation and Law Reform ought, in conjunction with the Secretary, to take such steps as they think proper to arouse interest on this subject through the circulation of this report and such other information as the committee may be able to obtain on the subject. Therefore, this motion is in line with what I am saying; but, it seems to me, that the better course would be to refer this report to the Committee on Legislation and Law Reform, or refer it back to the committee which made the report, to take such steps, at the expense of the association, as may be necessary to bring it before the bar generally and to arouse interest on this subject.

President: Do you make that as a motion?

Mr. Stevens: Yes, I would make it as an amendment to the motion made by Judge Van Zile.

President: If it could be put in written form and submitted this afternoon I think it would be better.

Judge Lockwood: I move that we adjourn untill 2 o'clock this afternoon.

Which motion was put and carried.

Thursday, P. M., June 28th, 1906.

President: The association will come to order.

Judge VanZile: Mr. Stevens has put in form the matter of the resolution which was talked of this morning. I have gone over it and it meets with my approbation; I have no objection to its being substituted for the motion I made, to receive and adopt the report of the committee.

(See Appendix for Resolution.)

President: Gentlemen of the Association, if there is no objection this will be considered as the motion.

The motion was put and carried.

Mr. Pratt: I think, under the circumstances, it might be well for the association to fill the committee. You will remember the condition of the committee. There never has been but one member of it named. The secretary and myself have had some correspondence and I tried to get the committee filled, but we did not succeed in getting anyone to fill it up.

Mr. Stevens: I move that the incoming president appoint two additional members of this committee. I understand the committee is a special one and therefore, in the absence of this motion being made and carried, there would be no appointment to be made.

Judge Lockwood: I support the motion.

The motion was put and carried.

President: The next order of business is unfinished business.

Mr. Sloman: At the meeting, at Lansing, I presented a matter to the Committee on Legislation and Law Reform to have the association recommend, but owing to the lateness of the hour it was left unfinished. If it is proper to take the matter up at this time I would like to do so. It is with reference to jury service. We have on our statute books an act which permits an enrollment of 150 members of the National Guard, upon the payment of less than ten dollars; upon such payment a certificate is issued to them and they are then exempt from jury service. It has been the experience in our city to find a class of jurymen who are not educated, and to find a very large number of individuals who really ought to do jury service avoiding it by this enrollment, and by paying this \$10. fee. There is no reason why

these men should be relieved of this service and I want to offer the following resolution:

(See Appendix for Resolution.)

Mr. Stevens: I support the resolution.

The motion was put and carried.

Mr. Sloman: I have the following provision that I would like to have the association recommend and aid in securing its adoption. In presenting this matter I would like to say that for a long period of time it was the privilege of a party litigant, whenever an injunction was granted or a receiver appointed at a preliminary hearing, which divested the party litigant of property, or the beneficial use of it, or where irreparable injury would be done, to review the granting of that order by mandamus. Of late, the Supreme Court has drifted away from their old-time liberality in matters of that kind and have held that only, under extraordinary circumstances and where irreparable injury is done, can a review be had by mandamus. The party's only remedy is to appeal after final decree. The instances in which mandamus has been allowed have made that remedy practically of little value and few cases now find their way to the Supreme Court for review, upon mandamus. Where an injunction is issued, either upon an ex-parte application or a preliminary hearing, or a receiver is appointed, whereby the business is stopped, or a party is deprived of the use or enjoyment of his property, it stands to reason that if he is obliged to wait until a final hearing to review the matter on appeal, even though successful, the loss he has sustained and the injury that has been done him is, often times, irreparable. I know of no reason why, in cases of that character, the Supreme Court ought to deny litigants the opportunity to present, for review, the order granting an injunction or the appointment of a receiver. And, therefore, I move you a recommendation, by this association, on the passage of the following act:

(See Appendix for Resolution.)

Mr. Sloman: In connection with that motion I ask that the Committee on Legislation and Law Reform be asked to use its best endeavor to secure the passage of this act.

Mr. Kinnane: I support it.

Judge Lockwood: I think it is a serious question as to whether it is advisable to do this without further consideration. It seems to me that it will be quite an innovation. I think the few that are here ought not, upon the spur of the moment, request the passage of such legislation. I move that the motion and the resolution, as read, be referred to the Committee on Legislation and Law Reform, to report at the next meeting of this association.

Mr. Gray: I support Judge Lockwood's motion.

President: The motion will be on the amendment. Judge Lockwood's motion is that it be referred to the Committee on Legislation and Law Reform, and that committee report its views upon this subject at the next meeting of this association.

Mr. Sloman: I sincerely hope Judge Lockwood's motion will not be sustained. The business meetings of this association, invariably, take place on the afternoon of the last day of its meetings and it always happens that quite a number of the members are absent. If we were to wait until we have a large crowd we would be waiting forever, unless the miscellaneous business is taken up earlier in the session. That there is no injustice in the passage of this act is best exemplified by the fact that the remedy can be granted by the Supreme Court. It is a notorious fact, Mr. President, that the granting of an injunction, on a preliminary hearing where a full showing cannot be made, the appointment of a receiver,—often results in a business being closed up,—party's rights thrown away, and their being dispossessed of the beneficial use of their property without that full hearing to which they are rightfully entitled. They

cannot be heard upon a preliminary hearing, and especially not in our courts where there is so much work to do and so little time to give to motions. Injustice can come from this, but there is no reason why the Supreme Court should not now do what they were ready and willing to do in former years, when they had a lesser number on the bench than they have now. I know of no reason why a litigant should be placed in the position that he is frequently placed in by the issuing of this preliminary injunction or the appointment of a receiver; why a business should be destroyed and no remedy had until the cause is finally heard and the question taken up on appeal. It may be that the Supreme Court is crowded with work; but that is no reason why the litigant should not be privileged to have his rights protected and made sacred. I hope this motion will not prevail.

Judge VanZile: After reading this resolution, I cannot see that I am very much opposed to it; but, it strikes me, Mr. Sloman, it would hardly be fair to the circuit judge to go at once to the Supreme Court upon the granting of an ex-parte injunction. The party now has the right to move to dissolve that injunction, and at which time there may be a full hearing before the judge who granted it. Certainly it never should be taken to the Supreme Court on mandamus until there had been a hearing upon a motion to dissolve. It seems to me if a bill is drawn along the lines of this resolution, a party might wait until after the injunction was issued a long time and until just before the final hearing, then go to the Supreme Court and ask for a mandamus to be granted. There should be a limited time after a motion to dissolve had been denied.

Mr. Stevens: I think the suggestions that have already been made as to the amendments of the proposed act which Mr. Sloman recommends, are proper, but there are others no doubt that we will not in this brief discussion think of

and we should not adopt the exact wording of an act as desired by the association until we have had opportunity to carefully examine it in all of its phases. For that reason I am in favor of referring the matter to the Committee on Legislation and Law Reform.

Mr. Gray: My object, in supporting Judge Lockwood's motion, is that I think that this association should not put itself on record in an important matter like this without a due consideration of the proposed amendment. I think the committee should consider this matter fully and report to the association before we act upon it. I do not say that I am opposed to what Mr. Sloman wants, but I do think that we should not pass hurriedly upon the matter. I think it would be well, in matters of this kind, if immediate action by this association be required, that provision should be made that motions of this kind should be submitted, in advance of the meeting, to the committee so that the matter may have received intelligent consideration from the committee before the association acts upon it. We all know that it is hard, usually, to have a matter passed by an association, be it large or small, because nobody takes the trouble to inquire into them sufficiently. I think, for this reason, that Judge Lockwood's motion should prevail.

Mr. Chandler: My own experience, in matters of this character, has been that it is a very easy matter to satisfy the circuit judge on a motion to dissolve an injunction, as to the rights of the parties, in the subject matter. I know that that has been the experience in our circuit. I think that a matter of this importance should be referred to a committee, and I am in favor of Judge Lockwood's motion and request to have it so referred.

President: Are there any further remarks? If not the motion of Judge Lockwood's is first in order; and that is, as I understand it, that the motion by Mr. Sloman be referred

to the Committee on Legislation and Law Reform, to report at the next meeting of this association.

Which motion was put and carried.

Mr. Lacy: We have in prospect a constitutional convention, and I think we will all agree that that work to be done by that convention is the most important work that has been on hand in legislative affairs in Michigan for many years. I have been impressed, as I have thought the matter over, that the best interests of the state could be subserved by having members chosen for that convention without regard to party lines. I am, therefore, going to offer a resolution which I will read.

(See Appendix for Resolution.)

The motion to adopt the resolution was supported and carried unanimously.

Mr. Denison: I have a resolution here which I wish to offer, thanking the Kalamazoo bar for their hospitality.

(See Appendix for Resolution.)

President: On behalf of the members of the local bar I wish to thank you for the kind words in the resolution. We have done what we could, in our way, to make the bar meeting a successful one and if it has met with even the partial appreciation of the association we are very thankful.

President: The next in order is the election of officers.

Judge Lockwood: Mr. President and Gentlemen: Your committee has selected, for recommendation as officers for the ensuing year, the following:

(See last pages of pamphlet for officers nominated and elected.)

I move that the persons nominated be declared elected and the secretary cast the ballot of the association for their election.

Mr. Chandler: I support it.

The motion was put and carried and the secretary accordingly cast the ballot as directed and the above persons were declared to be the officers of the Michigan State Bar Association for the ensuing year.

Mr. Barbour: I move we adjourn.

Mr. Stevens: Support it.

The motion to adjourn was put and carried.

APPENDIX.

PRESIDENT'S ADDRESS

HON. WILLIAM G. HOWARD

In the course of a somewhat active practice of the law for the past thirty-five years, certain things have suggested themselves to me, and to which I have given considerable thought, which I believe if adopted, would be in the interest of the general public, of litigants and of the profession.

Appeals and Certiorari from Justices Courts.

I recommend that there should be no appeals or writs of certiorari allowed from Justice Courts to the Circuit Courts where the amount involved did not exceed fifty dollars. There must be a court of last resort in all form of litigation. In all suits, except possessory actions, the plaintiff must be awarded a money judgment for the grievances he complains of if he is awarded any judgment at all. I fix the amount for which appeal or writs of certiorari can be taken at the sum of fifty dollars because it will cost the successful party in such an appeal or writ of certiorari, substantially that sum if he is successful in the Circuit Court, in the way of attorney's fees, his own time and the mental wear and tear in connection with the case. He therefore would be no better off, financially speaking, at the end of a hearing in the Circuit Court, than he would have been by submitting to the judgment in Justice Court. I believe, therefore, that the decision of the Justice Court in sums not involving more than fifty dollars, should be final.

I expect that this view will not meet with the entire approbation of the Association; it seems to me however to be a practical way of disposing of appeals and writs of certiorari to the circuit court. A client comes into your office with a case involving fifty dollars or less, which seems to be entirely meritorious and you so advise him. He then commences to inquire in regard to what may be done in the way of an appeal, provided he is successful, and you are bound to tell him that either party can appeal to the Circuit Court

and after the trial in that court, either party may take a writ of error to the Supreme Court; that the Supreme Court may reverse the case and send it back for a new trial and after a second judgment either party can again go to the Supreme Court on a writ of error, and that this proceeding may be continued indefinitely until the case is finally affirmed by the Supreme Court, and when he asks you what all this is going to cost him, you must frankly say to him that you cannot tell. Rather than take the risk of this indefinite expense, he prefers to abandon his case. If, on the other hand, you could explain to him that there can be no appeal from the Justice Court in sums involving fifty dollars or less, he is willing to commence his suit and pay an attorney for trying his case in Justice Court; knowing that that will be the end of the litigation. The public generally would be benefited by cutting out the expense of the trial in the Circuit Court; the client would be benefited by way of expense and the attorneys would be benefited because it would greatly increase the business in the Justice Courts.

In order to have this recommendation accomplish its greatest good, there should be a change in the matter of fees in said court. The fees should be cut out and the Justice should be paid a salary, and the unsuccessful party in that court should be taxed a reasonable amount of costs which should be paid into the county treasurer toward covering the salary of the Justice. This would take away the present inducements for the Justice to decide cases in favor of the plaintiff. As matters now stand, the Justice must depend upon the plaintiffs in causes tried before them for business, because the defendants never bring suit, and the Justices frequently consult with the plaintiff before suit has been commenced, and advise him as to his legal rights, and thus become biased in plaintiff's favor in advance.

It is told of a German Justice, who was impressed with the idea that the plaintiff should always recover, that in one case the defense was so meritorious that he hesitated to decide for plaintiff on the spot, and in the presence of the defendant, and announced that "he would take time to render his decision, but that he would eventually decide for the plaintiff."

Under the suggestions here made, if the people see to it that honest, conservative and painstaking men are elected to the office of Justice of the Peace, the Justice Court would be an ideal court of final resort in all cases involving fifty dollars or less. It might be well in connection with this question to provide for selecting jurors in some other way than at present provided.

Appeals and Writs of Error in Circuit Courts.

For the same reason that I have given in reference to appeals

and writs of certiorari from Justice Courts, I would limit appeals and writs of error from the Circuit Court to the Supreme Court to sums involving more than two hundred dollars. In ordinary cases it costs the party who prevails in the Supreme Court at least two hundred dollars, even if the case is affirmed by the Supreme Court, and if it is reversed and a new trial is ordered, the cost of the new trial, together with the cost of again taking the case to the Supreme Court, will largely exceed the sum of two hundred dollars; so the litigant who takes an appeal or writ of error from the Circuit to the Supreme Court must necessarily be a loser if the amount involved is not over two hundred dollars. Why not then have the decision of the Circuit Court final up to that amount? It certainly would be beneficial to the general public; it certainly would save the litigant from the foolishness of his own acts; it would give him in dollars and cents as much or more than he could possibly get by the appeal or writ of error; it would also, if viewed from a purely mercenary standpoint, increase the business in the Circuit Court, because many clients would be willing and desirous of having their rights determined, provided they could be assured that the decision reached in the Circuit Court would be final.

Official Stenographers.

I approach the discussion of this question with some embarrassment. I have no objection to official stenographers. In fact I do not know how we could run our courts at the present time without them, nor have I any objections to their receiving substantial pay for their services. I think, however, that the payment for said services should fall upon the county or the state. I can see no more reason for a litigant being called upon to pay for the services of an official stenographer in writing out the minutes of a trial than for his being called upon to pay his proportion of the judge's salary, or being called upon to pay the entire cost of a jury that tries his case. An official stenographer is a part of the machinery of the Circuit Court, and his salary should be paid the same as that of the judge or the jury. As matters now stand, the parties contribute three dollars in each case toward the payment of stenographer's fees. The fee might be raised to ten dollars and thereby partially compensate for the services of the stenographer. In a case where there is a long record, it is very burdensome to litigants or to the one that is finally unsuccessful, to pay the fees for writing out the minutes of the case; in fact so burdensome in many cases as to prohibit the litigant having his case reviewed.

It will be understood that I am not complaining of the prices paid to official stenographers. I am simply suggesting that the payment be made the same as payments are made for other expenses

connected with the Circuit Court. It is the theory of the law that the courts shall be open to all litigants alike. The law is of very little benefit to a man who has a meritorious case if the court expenses are so great as to prohibit him from contending for his rights.

Jurors in the Circuit Court.

I am a firm believer in the trials of questions of fact by a jury. I believe that twelve honest, intelligent, conservative and painstaking men will come nearer arriving at a just conclusion on facts than any other system that has yet been devised. I, however, believe that the present mode provided for obtaining jurors could be greatly improved upon. The jurors are now selected in many instances through personal friendship for themselves or their friends, or because of some political services rendered toward the election of the officers who send in the names of the jurors. In lieu of the present system of obtaining jurors, I suggest a non-partisan commission in each county of say, three men. This commission should be composed of men of intelligence, of men who recognize the great importance of obtaining intelligent, honest and painstaking men as jurors. Very little expense would be attached to this system. It could be arranged so that they would have to meet not more than twice a year, and be in session for not more than one day at each meeting. With this mode of selecting jurors, the jury would be the best possible triers of facts obtainable. It might also be advisable under the system suggested to permit in civil cases, a verdict by three-fourths of the jurors. In criminal cases, however, there should always be required an unanimous verdict.

Practice in Probate Court.

The Probate Court at the present time is one of the most important, if not the most important, court in this state. In the older settled portions of the state many titles are based upon probate proceedings, and many of these proceedings in an early day were anything but perfect. The statute of limitations, however, cured many of the defects in these titles. The practice in the Probate Court, until within a few years, was hardly worthy of the name of practice. There was no settled practice in any one county, and there was no uniformity of practice in these courts throughout the state. The Supreme Court has adopted some rules that have been very helpful and the Association of Probate Judges for the state at their annual meetings has also done much to perfect the uniform practice throughout the state, and especially has this association done much good in adopting uniform blanks. Still, owing to the importance of the court and the character of the litigation before it, much is still desired in that direction, and which cannot be accomplished

except, perhaps, through legislation. There should be as complete a system of practice in the Probate Court as there is in the Circuit Court. The Probate Court should be a court and not the advisor and the clerk for executors and administrators. The ordinary executor or administrator relies upon the advice of the Probate Court for most of his transactions. This is entirely proper, but that advice should take the nature and form of an order. As it now is in many of the counties, an executor or administrator will come into the probate office, or meet the Probate Judge on the street, and perhaps the judge is busy in his office or is engaged in other matters when outside of his office, and he does not have the time to thoroughly understand all the facts and come to a correct conclusion thereon. I can see no more reason why a Judge of Probate should be the attorney and clerk for executors and administrators than that the Circuit Judge should occupy the same position. He is Judge, and he will have his hands full if he attends to that occupation strictly. All petitions and orders made in the Probate Court, except possibly, the petition for the appointment of an administrator and order appointing one, should be carefully drawn, and especially so with any order that may in any way affect the title of real estate. When an order is sought in the Probate Court, the petition should be drawn up in writing and presented to the Judge of Probate, and on looking it over if he is satisfied that it conforms to the statute, he should fix the day of hearing and order that the statutory notices be served. On the day of hearing, it appearing that proper notices have been given that the matter will come up that day for hearing, he should hear the proofs and contentions of the parties, and after deliberation, enter such order as to him seems proper. If neither party appeals from that order in sixty days it becomes final. The order will then be of such a nature as to make it reliable.

Many other matters in this connection will doubtlessly suggest themselves to the members of this Association. I am certain that a radical reform in the practice of this court should be had.

The New Change of Venue Law.

The last legislature passed an act or an amendment to an act providing for change of venue in civil cases. This amendment as it now stands, I look upon as very unfortunate. It was passed, as I understand, in the interest of a particular case, and such legislation is liable always to be unfortunate. Under this amendment all the party has to do who desires a change of venue is to make an affidavit in the language of the statute. He is not required to give facts or circumstances or reasons in his affidavit. There is no provision made for filing any counter affidavits. If one of the parties to a suit happens to be financially strong, and the other party financially

weak, the one that is financially strong is able to put such a burden upon the one that is financially weak as to drive him out of court, because the expense of attending a trial outside of the circuit where the parties live must necessarily be much increased over a trial within the circuit. In my judgment this amendment should be repealed, or at least, radically amended. If there is any just reason for a change of venue, then of course the same should be granted, but there should be something more required in the affidavit of the petitioner than is required by said amendment.

Costs in the Federal Court.

I desire to call the attention of the Bar Association to the taxable costs in the Federal Courts, and especially to the costs taxable on appeal from the District or Circuit Courts to the Circuit Court of Appeals. I think the system could be changed to the interest of litigants at least. A great deal more work is required of the clerk of the Circuit Court in taking an appeal than is necessary, and some matters that the rules require of the clerk, for which a fee is allowed, seem to me to be entirely unnecessary. For instance, the recording of all the pleadings in the case, and on making the return to an appeal or writ of error, the clerk is required to make certified copies of everything in his office pertaining to the case. Why not send up the original files and papers the same as the practice of this state requires in regard to appeals or writs of error to the Supreme Court, and when the Court of Appeals has decided the case, send the original record back to the Circuit Court. Such a mode would involve perhaps five dollars costs, the same as in the state courts, instead of one hundred and fifty or two hundred dollars as is the case now. And why not permit the party taking the appeal or writ of error to print the record, the same as is done in the state courts. The record could be printed for fifty cents a page or less. As the rule is now, the clerk of the Court of Appeals looks after the printing of the record and he charges one dollar a page.

There are other matters of costs that are about as useless as those to which I have called your attention. While the legislature of this state of course would have no power in the premises, the members of this Association should have considerable power. They could explain the situation to the congressmen in the districts in which they reside, and have such congressmen use their influence in congress to bring about the change desired, and this Association could also, by correspondence, interest other State Bar Associations in taking up the matter with the congressmen from their respective states and assist in getting through congress the desired legislation.

The Michigan State Bar Association.

I want to urge in conclusion the importance of keeping up this Association, and increasing its membership. Every lawyer of the state should take an active interest and become an active member of the Association. Much should be expected of attorneys in the line of good citizenship. Much should be expected of attorneys in the line of procuring correct legislation. The only way the attorneys of this state can make themselves a power in either of these directions, is to organize, and through the various committees appointed, to keep in touch with the legislation of the state; to urge the passage of desirable laws and to oppose the passage of obnoxious laws. The attorneys of the state have never taken the interest in this Association that they should. It is certainly desirable at the present time that the interest in the Association should be increased. These are strenuous times in the way of federal legislation, and it will be equally strenuous in regard to state legislation at the meeting of the next legislature, and a lawyer should make his influence felt always in behalf of the right and always against the wrong.

By the vote of the people at the spring election, a new Constitution is to be framed, to be submitted to the people. Such a document is a most important one from every view of the case. If it is adopted it will probably be years before another Constitution will take its place; perhaps half a century. The lawyers of the state should interest themselves in regard to this matter. In order to interest themselves effectually, they must do it in some organized form. We already have this organization. Let it be increased in number and personnel so as to be entirely representative, and through its various committees it can then become a force in directing, by advice and otherwise, the formation of the new Constitution.

REPORT OF SECRETARY.

In the five years that I have been secretary of this organization I have confined my annual reports, generally, to a statistical review of dues collected, members received, &c., and I would not at this time, make a more ambitious effort, if I were not assured, in advance, of the moral support of our esteemed President. However, a few experiences have come in my term of secretaryship that might be related, to the advantage, perhaps, of the Association and its members.

This Association has been in existence for about fifteen years and appears to have had in that time three distinct periods or ages. The first five or six years, the years in which the novelty of a new organization, probably, gave enthusiasm to the work, were years of growth and work; it was in those years that the Association started the work which resulted in the adoption of our new Court Rules, the formulation and promulgation of our Code of Ethics, and the establishment of our Board of Law Examiners. The next five years might, perhaps, be termed years of ease. Nothing of importance appears to have been done; at least, the records do not disclose that any particular work was accomplished. The members of the Association even lagged in the payment of their annual dues, and to such an extent was this true that in 1901 but \$39.00 was collected into the treasury of the Association. The Grand Rapids lawyer who said, at that time, that he was one of the ten conscientious fools who consistently paid his annual dues to the Association was nearly right. His class, however, has grown since then, for, for instance, over 500 out of the 577 members paid their dues last year.

The mention of dues brings to my mind some of the letters I have received and sent, in regard to these annual payments, and strange as it may sound, some of my pleasantest correspondence has been in relation to this gruesome subject. One member intimated that the annual dues were too small and their insignificance pestered him, and accordingly sent three years' dues in advance; another member on being sent three successive statements, two personal letters, and these timidly followed by a draft,—endorsed on the draft, in the bold hand of the drawee "I never pay drafts;" some wit who evidently knew the gentleman, had started to add "Nor anything else." Another member, thinking that the annual dues were expended upon an annual banquet and good time, said that he wished to withdraw,

but upon being told that the annual banquets are, usually, complimentary, and that the annual dues are expended for the printing, publishing and circulating of the proceedings of the Association, the expense of committees and officers, in endeavoring to improve court practice, correct and improve the laws and legislation of our state, and for the benefit of all the lawyers and all the people of the state, he very candidly and gracefully acknowledged that he was mistaken and had been thinking of the Association along more selfish and narrow lines than those that really marked it.

In regard to our annual publications, I received one communication from a member saying that he thought it was a waste of money to print our annual reports and circulate them among our members and exchanges; on the other hand, I have received a number of communications asking for our reports, and yesterday, Judge Streeter wrote me from Houghton, saying that he was sorry he could not be here but to be sure to send him a copy of the printed report. Nearly every other state bar association in the country prints an annual report, some of them in quite an elaborate manner, as may be seen by examining the more than one hundred state bar association reports now in the Secretary's office, a list of which is appended to this report.

The past five Association years have been fruitful; the committees, officers and members have worked industriously and too much praise cannot be given to those members who as committeemen have so carefully and efficiently carried on their work. In the past five years the Association has been instrumental in enlarging the Supreme Bench from five to eight members, in passing the Negotiable Instruments Law and the Medical Expert Testimony Law, and has given consideration to many other matters.

The finances of the Association are in good condition; all debts are paid and a balance remains in the treasury. The membership, while not as large as it should be, is growing constantly and the members are apparently satisfied with what the officers and committees of the Association have been doing. The Association has not accomplished all that one might hope or dream that it should, but it has done much and the prospects never looked more promising for this Association to be all that a state bar association should be.

DUES.

Debit.

By dues collected from members.....\$1,004.10

Credit.

To paid Mr. Wm. K. Clute, treasurer.....\$1,004.10

MEMBERSHIP.

Members at date of last report, (June 29, 1905.).....	571
Members who have withdrawn.....	27
Members who have died, 1905-06.....	8
Members who have removed from Michigan.....	4
	<hr/> 39
	532
Members admitted during year 1905-06.....	45
Total membership.....	<hr/> 577

Members Who have been Dropped or have Withdrawn Since Last Meeting.

Baker, John F., Flint.	Marr, Charles H., Wyandott.
Brown, L. A., Adrian.	McCormick, Frank P., Bay City.
Carleton, Grace Haines, Detroit.	Miller, Craig C., Marshall.
Forler, Henry C. L., Detroit.	Minor, Don E., Grand Rapids.
Graham, Robt. D., Grand Rapids.	Nichol, John, Ionia.
Gray, Albert R., Houghton.	Pardee, Geo. E., Owosso.
Harmon, Chas. O., Cassopolis.	Smith, Wm. J., Saginaw.
Hayes, E. Sanford, Standish.	Sturges, Chas. A., Sturgis.
Hefferan, Geo., Grand Rapids.	Taggart, Hon. Moses, Gd. Rapids.
Hendrick, Hartley E., Middleville.	Weadock, Hon. Thos. A. E., Detroit
Holcomb, John W., Grand Rapids.	Wilkinson, Ralph B., Detroit.
Huggett, Martin C., Grand Rapids.	Wood, E. T., Detroit.
MacLean, Hector, Detroit.	Yeo, Wm. T., Flint.
	Younglove, Lyle G., Detroit.

Members Who have Died, 1905-06.

Brennan, Hon. Michael, Detroit.	Delano, Horace L., Muskegon.
Cheever, Noah W., Ann Arbor.	Griffin, Levi T., Detroit.
Clark, F. O., Marquette.	McGrath, Hon. Jno. W., Detroit.
Conely, John D., Detroit.	Russell, Hon. Alfred, Detroit.

Members Who have Removed from Michigan.

Bierce, Herbert, Mac O., Winona, Wis., formerly of Detroit.
Hartwick, L. M., Orange, Cal., formerly of Hart.
Rozema, Martin, Seattle, Wash., formerly of Fremont.
Simonson, John E., 215 Cooper Bldg., Denver, Col., formerly of Bay City.

NEW MEMBERS.

June 29, 1905. Kinnane, James H., Dowagiac.
June 28, 1905. Sharpe, Hon. Nelson, West Branch.
July 10, 1905. Wilkins, Charles T., Detroit.
Jan. 27, 1906. Bunting, A. F., Empire.

Feb. 27, 1906. Maguire, Arthur D., Detroit.
 Mar. 26, 1906. Loranger, U. R., Bay City.
 Mar. 30, 1906. Chappell, Fred. L., Kalamazoo.
 Mar. 30, 1906. Earl, Otis A., Kalamazoo.
 April 6, 1906. Handy, Sherman T., Sault Ste. Marie.
 April 6, 1906. Thayer, Russell B., Saginaw.
 April 7, 1906. Bulkley, Harry C., Detroit.
 April 7, 1906. Coutts, W. A., Sault Ste. Marie.
 April 7, 1906. Fowler, Frank L., Manistee.
 April 7, 1906. Gage, Chauncey H., Saginaw.
 April 7, 1906. Hamilton, Burritt, Battle Creek.
 April 7, 1906. Master, Sheridan F., Kalamazoo.
 April 7, 1906. McBride, Charles S., Holland.
 April 7, 1906. Robinson, Deen L., Houghton.
 April 7, 1906. Sweet, Chas. E., Dowagiac.
 April 7, 1906. Weimer, George V., Kalamazoo.
 April 12, 1906. Alexander, Geo. L., Grayling.
 April 12, 1906. Peters, M. B., Newberry.
 April 12, 1906. Standart, Joseph G., Detroit.
 April 12, 1906. Woodruff, Chas. M., Detroit.
 April 12, 1906. Moore, Wm. V., Detroit.
 April 12, 1906. Robbins, John W., Detroit.
 April 13, 1906. Campbell, Arthur D., Detroit.
 April 17, 1906. Hendryx, Coy W., Dowagiac.
 April 17, 1906. Turner, James, Detroit.
 April 17, 1906. Weston, Frank S., Kalamazoo.
 April 21, 1906. McCall, A., Ithaca.
 April 21, 1906. McCall, R., Ithaca.
 April 25, 1906. James, Delbert C., Detroit.
 May 9, 1906. Chandler, James E., Sault Ste. Marie.
 May 9, 1906. Cook, H. T., South Haven.
 May 8, 1906. Humphrey, Charles M., Ironwood.
 May 9, 1906. Warner, Glenn E., Paw Paw.
 May 11, 1906. Anderson, David, Paw Paw.
 May 11, 1906. Mason, W. L., L'Anse.
 May 16, 1906. Chase, Russell M., Paw Paw.
 May 26, 1906. McDonald, William J., Calumet.
 June 11, 1906. Free, A. L., Paw Paw.
 June 11, 1906. Galbraith, Wm. J., Calumet.
 June 11, 1906. Wattles, I. N., Kalamazoo.
 June 19, 1906. Titus, Lincoln H., Paw Paw.

REPORTS, BOOKS, ETC., IN SECRETARY'S OFFICE.

American Bar Association	1903, 1904
Alabama State Bar Association, Proceedings for years	1901, 1902, 1903, 1904, 1905
Bar Association for Baltimore City, Constitution and By-Laws.	1902

The Chicago City Bar Association, Proceedings for year.....	1903
The Colorado Bar Association, Proceedings for years.....	1901, 1902, 1903, 1905
Georgia Bar Association, Proceedings for years.....	1901, 1902, 1903, 1904, 1905
Illinois State Bar Association.....	1904, 1905
Indiana Bar Association, Proceedings for years.....	1902, 1903, 1904, 1905
Indian Territory Bar Association, Proceedings for year.....	1904
Iowa State Bar Association, Proceedings for years.....	1902, 1903, 1904
Bar Association for State of Kansas (Address of President, 1902).	
Bar Association for State of Kansas, Proceedings for years....	1903, 1904, 1905
Kentucky State Bar Association, Proceedings for years.....	1901, 1902, 1903, 1904, 1905
Louisiana Bar Association, Proceedings for years.....	1902, 1903, 1904, 1905
Maryland State Bar Association, Proceedings for years (1 Vol.)	1903, 1904, 1905
Minnesota State Bar Association, Proceedings for years..	1901, 1902, 1903, 1904, 1905, 1906
Missouri Bar Association, Proceedings for year.....	1904
Montana State Bar Association, Proceedings for years (1 Vol.)	1885 - 1902
Nebraska State Bar Association (Address of President, 1903).	
Nebraska State Bar Association (1 Vol.) Proceedings for years	1900 - 1902
New Jersey State Bar Association, Proceedings for years.....	1902, 1903, 1904
New Mexico State Bar Association, Proceedings for years.....	1902, 1903, 1904
Association of the Bar of New York, Proceedings for years....	1903, 1904, 1905, 1906
New York State Bar Association, Proceedings for years.....	1903, 1904, 1905
North Carolina Bar Association, Proceedings for years.....	1901, 1902, 1903
The Bar Association of St. Louis, Proceedings for years.....	1904, 1905
South Carolina Bar Association, Proceedings for years (1 Vol.)	1892 - 1902
South Carolina Bar Association, Proceedings for years.....	1903, 1904, 1905
Bar Association of Tennessee, Proceedings for years.....	1901, 1902, 1903, 1904, 1905
Texas State Bar Association, Proceedings for years.....	1902, 1903, 1904, 1905
Virginia State Bar Association, Proceedings for years.....	1901, 1902, 1903, 1904, 1905
Washington State Bar Association, Proceedings for years.....	1901, 1902, 1903, 1904, 1905
West Virginia State Bar Association, Proceedings for years....	1903, 1904
Wisconsin State Bar Association, Proceedings for year.....	1901
Copies of a bill to establish an Intermediate Court.....	100 copies
Copies of a bill to establish Torrens system of Land Registration	200 copies
Michigan State Bar Association, Proceedings for 1901.....	25 copies
Michigan State Bar Association, Proceedings for 1902.....	10 copies
Michigan State Bar Association, Proceedings for 1903.....	30 copies
Michigan State Bar Association, Proceedings for 1904.....	5 copies
Michigan State Bar Association, Proceedings for 1905.....	80 copies

EXCHANGES, OTHER THAN ABOVE NAMED ASSOCIATIONS.

Iowa State Library, Des Moines, Iowa.
 Kansas State Library, Topeka, Kas.
 Michigan State Library, Lansing, Mich.
 U. of M. Law Library, Ann Arbor, Mich.
 Harvard University Law Library, Cambridge, Mass.
 Hon. Leonard A Jones, 301 Pemberton Bldg., Boston, Mass.

WM. J. LANDMAN, Secretary.

TREASURER'S REPORT.

Michigan State Bar Association Account with Wm. K. Clute, Treasurer.

	Dr.	Cr.
1905		
July 6. By bal. from former treas., A. C. Denison.....		\$23.85
July 7. By cash from Landman—dues collected..... ..		22.35
July 28. To expense bill—committee on legislation.....	\$13.16	
Aug. 10. To Ivy Press—printing bill.....	24.21	
Nov. 20. By cash from Landman—dues collected.....		15.40
Nov. 20. To Wm. J. Landman—expense bill	8.60	
Nov. 20. To Fed. Union Surety Co.—treas. bond premium	5.00	
1906		
Jan. 10. By cash from Landman—dues collected.....		270.00
Jan. 10. To salary of secretary for 1904-1905.....	200.00	
Jan. 13. By cash from Landman—dues collected.....		65.00
Jan. 23. To Ivy Press—printing.....	10.75	
Jan. 23. To Wm. Landman—expenses secretary.....	22.13	
Jan. 27. By cash from Landman—dues collected.....		68.00
Mch. 21. To Wm. J. Landman—expenses secretary.....	14.66	
Mch. 21. By cash from Landman—dues collected.....		68.00
Mch. 26. To Rowson Printing Co.—printing.....	5.00	
Mch. 26. To Ivy Press—printing.....	17.25	
Mch. 26. To West Mich. Printing Co.—printing.....	160.52	
Mch. 26. To bill of Wm. J. Landman—expenses sec'y....	27.00	
Mch. 29. To bill of Wm. J. Landman—expenses sec'y....	18.00	
Mch. 29. By cash from Landman—dues collected.....		64.70
Apr. 10. By cash from Landman—dues collected.....		68.00
Apr. 12. By bill of Landman—1905-6 salary.....	100.00	
Apr. 24. By cash from Landman—dues collected.....		65.90
Apr. 24. To Ivy Press—printing	11.75	
Apr. 24. To Wm. J. Landman—expenses secretary.....	11.00	
May 4. By cash from Landman—dues collected.....		67.00
May 4. To J. P. Langley—bill for reporting	25.00	
May 18. By cash from Landman—dues collected		66.70
May 21. To bill of Watch & Strawhecker—stenog'y work	51.80	
May 22. By cash from Landman—dues collected.....		125.55
June 1. To bill of Wm. J. Landman—Sec'y expenses...	17.00	
June 23. Ivy Press—printing.....	18.50	
June 23. To bal. Salary—1905-6 W. J. Landman, sec'y...	100.00	

TREASURER'S REPORT

June 23.	To Wm. J. Landman—secretary expenses.....	12.00	
June 23.	By cash from Landman—dues collected.....		37.50
		<u>\$872.88</u>	<u>\$1027.45</u>
	Balance.....	154.62	
		<u>\$1027.45</u>	<u>\$1027.45</u>
June 27.	By cash balance on hand		154.62

WM. K. CLUTE,
Treasurer.

REPORT OF COMMITTEE ON LEGISLATION AND LAW REFORM.

To the State Bar Association.

Gentlemen:

Your Committee on Legislation and Law Reform respectfully submit the following report:

I.

In accordance with your action at the last convention of the Association, we have submitted to the Supreme Court a proposed amendment to Circuit Court Rule 24, providing that counsel on each side of causes in Circuit Courts may have for argument, at least one hour instead of one-half hour, as the rule now is.

The action of the Association relative to the same, was communicated along with the proposed amendment to the rule. The matter is still under consideration by the court.

II.

The suggestions contained in the able and instructive address of Judge Collins at Bay City last year, has received our careful attention and we recommend that the Association instruct the next Committee on Legislation to prepare and present to the Legislature, and urge its passage, a bill providing for the appointment of a commission whose duty it shall be to present to the Legislature from time to time proposed revisions of the statutes pertaining to specific subjects. Such specific revisions (after the model of our negotiable instruments law) extended to such subjects as real estate, marriage and divorce, taxation, corporations, street railways, and other important subjects the provisions in relation to which are now scattered through our session laws and periodical compilations in a disconnected and frequently conflicting fashion.

Such revisions not undertaking a general character which would conflict with our present constitution, but upon particular subjects as the same from time to time might be prepared and fully considered. The American Bar Association through its committee on uniform legislation, has had this subject under consideration for some years and have done much valuable work along this line. Such a course, we believe, would be safe, conservative, and productive of lasting benefits to the Commonwealth of Michigan.

III.

We likewise respectfully call your attention to Act Number 309 of the Session Laws of 1905, page 483, being an Act to amend section 10 of chapter 25 of the Compiled Laws of 1897, said section relating to change of venue. This act as it now stands, we deferentially submit, is not conducive to good results for the following reasons:

1st. It requires the change of venue upon the mere ex parte affidavit of the party.

2nd. It takes away the discretion of the court, which should be exercised in matters of this kind.

3rd. The conclusiveness of the affidavit required and the securing of an order upon it, in any event, leads to abuses of the privileges conferred by the Act.

There was, as we believe, no necessity for the enactment of this law in Michigan. It is stated that this Act was copied from Indiana, and that it has been a subject of scandalous and notorious abuse for many years. Its short operation in Michigan, shows that a similar condition is likely to obtain here. We recommend that the next Committee on Legislation be instructed to prepare and urge the passage of a bill for its repeal at the next legislative session.

IV.

Act Number 89, page 120, Public Acts of 1905, being an Act to prescribe the measure of damages in actions for negligent injuries to persons where deaths result and where the actions are prosecuted under the survivor act has met with much adverse criticism, both by the bar and public, and is said to work a wrong to those relatives of the deceased who had before its passage been entitled to recover a certain amount of damages for death caused by negligent injury. We recommend that the next President of this Association appoint a special committee of five members, who, with the incoming President, shall constitute a committee of six, to whom shall be referred the subject matter of said act and also the recommendations in the address of Judge Nelson Sharp upon the subject of "Directing a Verdict," found on pages 55-7 proceedings of 1905, with instructions that if, after careful examination, in their judgment, said subjects call for legislative action, they prepare and present to the next Legislature such bills as will improve the existing law relating thereto. We believe this course will be more expedient than to add to the work of the regular committee on legislation, as too much legislation urged by one committee is not advantageous.

V.

Supreme Court Reports. The last published volume of the Michigan Supreme Court Reports is Number 137, and the last cases reported therein were decided in October 1904—nearly a year and eight months ago. In contrast with this some of the decisions of the United States Supreme Court decided as late as March 1906, have been for some time on hand in a permanent volume Number 200 of the United States Reports. With the modern facilities for printing and publishing such reports we see no reasonable excuse why the decisions of our Supreme Court need be permitted to become ancient history before they are published in a volume of permanent reports, when others equally exacting in preparation and publication are on hand inside of ninety days from the time enough opinions are filed by the court to make up a volume. We recommend that the next committee on legislation give this subject thorough investigation with full power to act and ascertain where the cause exists for this unnecessary delay, and that they recommend to the next Legislature or elsewhere such measures as are necessary and requisite to enforce the publication of the Michigan reports on time and up to date.

VI.

Your committee tenders its thanks to Judge Willis B. Perkins and Mr. Phil. Travis of Grand Rapids, for valuable suggestions touching some of the subjects covered by this report.

All of which is respectfully submitted.

WM. K. CLUTE, Chairman,
LOYAL E. KNAPPEN,
PHILIP T. VAN ZILE,
GEO. W. BATES,
THOS. J. CAVANAUGH,
Committee.

REPORT OF COMMITTEE ON GRIEVANCES.

Mr. President and Gentlemen of the Association:

During the year last past, the committee on grievances has not been called on to investigate any new charges against any member of the bar, and no conduct unbecoming the dignity of the profession has come to its knowledge.

All the matters that have heretofore been in charge of the committee have been closed.

About two years ago, proceedings were commenced against Thomas F. McGarry to disbar him from the practice of his profession. An investigation and report were made by your committee and an application for the purpose filed with the Attorney General, who commenced formal proceedings against him in the Supreme Court.

Respondent appeared and asked for time, which was granted, and the proceedings were in that condition, I believe, at the time of the report of your committee to the Association in 1904. The matter remained in that state at the time of the report of the committee in 1905, and for some time thereafter. The continuance of the proceedings was granted in order that respondent might make his defense, but no effort toward a defense has ever been made, so far as we are able to learn.

Believing that the charge should be proceeded with, and if respondent was guilty of such practices as rendered him unfit to remain in the profession, he should be disbarred, and if not guilty he should be discharged, your committee, through its chairman, took the matter up in February of this year with the Attorney General, who reported that the case had been submitted to the court and was only awaiting the court's decision. On making inquiry at the clerk's office, the clerk reported that there was no record showing that a submission of the case had been made, and believing that the matter had been delayed so long that it had lapsed from neglect, or been forgotten, the matter was brought to the attention of the Chief Justice.

The next report we had in the case was an order a few days later from the court disbarring him.

The committee feels assured that without its intervention the case would never have been decided, and we may congratulate our-

selves that the profession is rid of a member, whom the highest court deems unworthy of sharing its honors.

The number of men who so flagrantly disgrace the profession as to render their disbarment justifiable, is small compared with the total number in the bar, but the fact that their number is so small makes it none the less desirable that they be disbarred from the practice; and the fate of Salsbury, Mains, LeRoy, Sutton and McGarry attest the work your committee has accomplished since its organization

We wish again to urge the bar to report to the committee any member who may disgrace the profession.

We shall at all times be ready and willing to act, to the end that the bar may be better and better entitled to hold the high position it should hold in the minds of the people, and in the machinery of government.

All of which is respectfully submitted.

C. W. PERRY,
Chairman.

REPORT OF COMMITTEE ON MEMBERSHIP.

To the Officers and Members of the Michigan State Bar Association.
Gentlemen:—

Your Committee on Membership respectfully reports that they have had presented to them forty-six applications for membership; that forty-five of these applicants have been duly admitted by unanimous vote of the Committee on Membership, and that one applicant has been rejected. The applicant who has been rejected did not bear an enviable reputation and it was the opinion of the committee that he made application to become a member of the association for the sole purpose of building up his own reputation. We, therefore, informed him that we would not consider his application further unless he received other and better endorsement than has come to the consideration of your committee.

We think that the present method of passing upon applications for membership is a very practical and convenient method of handling this matter, and have no recommendation to make for any change in it.

Respectfully submitted,

MICHAEL BROWN,
Chairman.

(The names of the gentlemen admitted to membership will be found in the Secretary's report.)

ANNUAL ADDRESS.

The Evolution of the Right of Trial.

HON. HORACE H. LURTON.

Judge United States Circuit Court of Appeals.

I must at the outset crave your indulgent patience for venturing to come before you with a written address upon "so dry as dust" a subject as "The Evolution of the Right of Trial."

I can only appeal for a mitigation of punishment upon the ground that I am to address a body of learned gentlemen of the bar and bench to whom the subject may have some historical interest. Neither is the topic one barren of interest to the educated layman for the history of that which we have come to think of as a mere matter of judicial procedure involves in large degree the history of the assertion and development of the most fundamental principles of free representative government.

Historical and technical as my subject is, the limitations of the occasion forbid that exactness of detail and verification which might be otherwise anticipated by the critical hearer.

The student of legal history who compares the scientific methods of legal procedure under the civil law of the time of Cicero with the rude and superstitious methods of a common law court of the time of Alfred or of William the Conqueror, can but be amazed at the slight influence of the civil law in the shaping of Anglo-Saxon institutions.

The concept of a "trial" includes the orderly ascertainment of the truth of the matter in issue, and the prime object of a judicial "hearing" is to "hear" evidence tending to establish the very truth of the matter of fact involved, and whether the facts be found by judge or jury, the facts ascertained from witnesses who speak from knowledge affords the only foundation for the application of the substantive law.

Bracton wrote his great treatise upon the common law about 1250. His work has been described as "the crown and flower of English Medieval Jurisprudence."

He is said to have also had a large knowledge of the civil and common law, yet so great authorities as Sir Frederick Pollock and

Mr. Maitland in their History of the Common Law make the surprising assertion, that down to Bracton's time there was no word in the language of the law equivalent to our word "trial." "We have," say they, "not to speak of trial; we have to speak of proof."

The modes of proof in common law tribunals down to the time of Runymede and the great Charter of 1215 involved appeals to the superstitious.

The Deity must determine the right and the test by which divine judgment was solicited, consisted in either ordeals of one or another kind, or the appeal to compurgators or oath helpers which was a mixed appeal to divine justice and the common opinion of ones neighbors.

Long past the time of Magna Charta there was no such thing as the jury trial of the past few centuries, nor any other settled mode for the ascertainment of truth by voice of witnesses to the fact. From the meagre accounts accessible at this day let us, so far as we may picture a Session or Eyre of a county court of about the time of the Great Charter of 1215.

The session is called an "Eyre" because it is one attended by two of the itinerant justices, who, were by that time required to attend at intervals for the purpose of hearing all the pleas of the county, civil and criminal.

The shire town is crowded, for each landholder is required to attend and participate in the proceedings.

Tenures of title most often depend upon a faithful "doing of suit," as such service was called. These qualified free-holders made up the court and were called "Suitors," a name which we now apply to litigants only.

For a "false judgment" these "Suitors" were civilly and criminally responsible as we shall later see.

The sheriff ordinarily presided, but the doom or judgment was that of the "Suitors" and not his. When the justices were on circuit, as we should say now, one or other of them presided.

As early as the thirteenth century we can see that the legal business of a session over which the sheriff presided was crowded.

A record in the Court of Kings Bench in an appeal of False Judgment from the county of Oxford shows that after a long day's session there remained one hundred and forty causes unheard. The sheriff adjourned the court over until the next day. But when the next day came the "Suitors" who had not gone to their homes stood outside and refused to serve on the second day. The sheriff non-plussed, adjourned the business to another court.

When the weather permitted the county courts were often held in the open air.

As we might expect, when the business was to be done by so many it fell into the hands of a few who came to be called "buzones."

Bracton is quoted as saying "that when the itinerant justices had made their formal opening, they would go about taking with them five or six or more of the great men of the county who are called the 'buzones' of the court, men whose opinions carry weight with the rest and they would have a colloquy together."

Thus the methods of a modern political convention where the work is mapped out by the "buzones" of the body finds precedent in medieval times. The commission of these itinerant justices required them to make inquest not only into all crimes against the law of the realm, but to look into the matter of the King proprietary rights, the misdoings of licensees, royal officials, etc.

These itinerant judges were great revenue producers through "amercements" or fines imposed for alleged minor misdoings, and the King's revenues were largely augmented by their visitations.

These old Saxon forefathers of ours had a wholesome idea of the matter of legal presumptions.

One of Alfreds laws is a model for a statute building up an offense upon presumptions. It reads: "If a far-coming man or a stranger journey through a wood, out of the highway, and neither shout or blow his horn, he is to be held for a thief, either to be slain or redeemed."

These itinerant judges acting upon this doctrine of presumptions were accustomed to enter up heavy "amercements" against all of the "ale wives" of the county, without accusation or hearing; knowing that in the nature of things, there was no ale wife who had not violated her license.

If the police of our cities went somewhat more upon like foreknowledge of the ways of their successors in the business, the Sunday tippler might not find so many back doors open on Sunday.

We may imagine that the first business which our travelling justices will look to will be the organization of a committee of "Suitors" composed of men from each "Hundred" of the county, whose business it will be to inquire into all offences and present all offenders. This committee called "recognitors" was forerunner of our grand jury. They were very solemnly sworn to present none from malice, and leave none unrepresented from favor. The "recognitors" differed widely however from the grand jury as we know that institution. They heard no witnesses, and based their accusations upon their own knowledge or common repute.

Pollock and Maitland in their history of the English law, say of them: "The ancestors of our grand jurors are from the first neither exactly accusers, nor exactly witnesses; they are to give voice to common repute."

To return to the proceedings of our Medieval court. Accusations might also be made by private persons. These were much in the nature of private war conducted by regulations of court.

While the grand inquest is busy making their presentments we will imagine a private accusation made in the presence of the whole court. Botolph desires to accuse Allan of the murder of a kinsman. This he does by oath in the solemn words prescribed for such accusations. Allan, who is present, may broadly deny by an oath, which ran thus: "By the Lord I am guiltless of the charge of which Botolph accuses me."

Allan, as was his right, offered to make proof of the truth of his denial by wager of battle, and this the court awards.

Botolph the accuser must now meet him in battle and the Deity will give victory to the innocent. The combat which follows is but in execution of the judgment of the court.

The battle takes place under the supervision of the sheriff.

The antagonists meet at sun rise.

A great throng of bystanders are drawn together to witness the spectacle.

The weapons are by some thought to have been long staffs tipped with horn, but the better opinion is, that they were the ordinary battle axe used in the wars of the times.

The combat must continue until the stars shine out unless one or the other succumbs sooner. If the accused win out and is still on his feet when night comes he is held to have vindicated his innocence.

But the grand jury must be now attended to.

They have come solemnly into court and made presentment of such offences as have come to their cognizance. One of these accuses Cedric, a Saxon, of theft. Cedric is in jail, having been arrested and held upon a committing warrant, much like that of today. That he is in jail or is under bail is the best evidence that he was not taken in the act or with the goods upon him.

For under the summary modes of that time and the rule of presumption, one who was taken by "hue and cry" with the signs of his guilt upon him, was held not to be entitled to await a formal accusation by a jury of inquest.

If, as the expression went, he was taken by "hue and cry," whether his offense was murder, theft or other felony, he was carried at once before some local tribunal, convened for the special purpose, if none was otherwise at hand, and without being allowed to say a word in his defence he was, upon the principle of *res ipsa loquitur* immediately ordered to execution.

This summary mode of dealing with flagrant offenders was some-

times extended to litigants in civil cases, detected in the production of forged writs.

Cedric was not taken by "hue or cry." The inquisitors have therefore presented him. The peculiarity of this presentment is, that though made only upon common fame, its legal effect is to devolve upon the accused the burden of proving his innocence.

This consequence of a mere presentment, based upon no testimony other than such knowledge as the inquisitors may have from hearsay or their own knowledge, but most likely based alone upon common repute, is quite antagonistic to the current notion of the boasted liberties of our Medieval ancestors, and of that due process of law which they sought to secure by Magna Charta.

In view of the weight attached to a presentment based on common repute the observation of Justice Matthews in *Hurtado v. California*, 110 U. S. 516, 530, that "it is better not to go back too far into antiquity for the best securities for our ancient liberties," will meet with our hearty approval.

Cedric may make a defense if he will by a downright "no" and take the oath prescribed to the truth of his denial. But this denial must be in the precise words of a set form, and if he lets slip a single word, woe to him. He must avow his readiness to make good his denial as the court shall direct. How shall he now make his proof of innocence? This will depend upon his character. If by two or more of the chief men of his Hundred he can prove that he has not within a given time failed in ordeal or by compurgators, otherwise called oath helpers, he may be adjudged to make proof of his oath of denial by oath helpers. If he could not take this "fore-oath" and bring to his support his primary evidence of character he must make his proof by ordeal. So if he be awarded a trial by compurgators, and he cannot produce the requisite number or they refuse to swear, he must go to the ordeal.

The number of such oath helpers varied, according to the degree of the crime alleged or the character of the civil action, for this mode of proof was a recognized mode of trial in civil matters as well as in questions of crime.

By the custom of London, where proof by battle was much evaded by the more peaceful of its tradesmen, one accused of homicide, even by a private accuser, might, if he would and bore a sound character, escape trial by battle with his accuser and prove his innocence by oath helpers. In such a case he must swear six times to the truth of his denial, each oath being supported by six compurgators making in all thirty-seven men swearing to the innocence of the accused. With uplifted hand and in concert these groups of oath helpers would swear that the oath which their principal had

taken was true. Precisely the function of these oath helpers or compurgators is not easy to make out. They did not swear to any specific fact, yet they swore to the truth of the round denial made by their principal. The compurgators oath seems to have been little more than an opinion of the truthfulness of his principal. If they swore falsely they were guilty of perjury, and both divine and human law was broken. That they were witnesses could not have always been the case, for they are not supposed to be selected by the parties, though possibly chosen by the sheriff from such as he had reason to believe were best informed about the accusation.

Cedric having qualified himself is awarded a trial by compurgators, the number he must produce being determined by the doom of the court. These are summoned at once from those persons in attendance, presumably men of substance from the "Hundred" of the accused, supposed to know most about Cedric and his alleged offence. Some of them, alas! refuse to swear that the oath of Cedric is true. They say they know not and cannot swear.

In the phrase of the period Cedric's "oath bursts." He must go now to the ordeal. Heaven alone can vindicate him. Of these ordeals there were several kinds. The doom will determine which shall be Cedric's mode of "proof."

There was the pounds-worth ordeal.

The triple ordeal, and last and worst, the ordeal of water.

The pounds-worth ordeal was done by carrying in the naked hand one pound weight of red hot iron, for a given distance.

The triple ordeal was the carrying of three pounds of hot iron for a greater distance in the naked hand or thrusting the whole arm into boiling water. If the accused did these tests without mark of injury his proof of innocence was clear. If otherwise, his guilt was plain.

To Cedric is awarded the ordeal of water. This was a most remarkable test of guilt, inasmuch as sinking was a sign of innocence, floating the mark of guilt. His fingers and toes were tied together, and he was thrown into a deep pool of water. If he sank and drowned, as was likely, his innocence was demonstrated. If he floated, he was deemed guilty and subjected to death. In reference to this ordeal, in view of the fact that it was altogether improbable that the accused trundled up in the way stated would float, Sir James Stevens suggests that the selection of this form of ordeal may have been "an honorable form of suicide; death by water would prove his innocence, and sanctify his memory, for, if by accident he should float, he would be put to death disgracefully."

Before passing from proof by oath helpers it is proper to notice that the number of compurgators depended not only upon the character of the offence or quality of the action, but upon the rank of the

parties and of the compurgators themselves. Thus Priests, Abbots, Barons and other noblemen were of equal oathworthy rank, each was however held to outweigh the oath of six villeins, or common men, not owning property and not being men of education.

But this old county court had jurisdiction of many civil actions. These were begun by the issuance and service of writs adapted to the particular subject. This matter of process I cannot go into. If the matter in dispute was land we shall find that the Normans had introduced for the settlement of such disputes the trial by **duel**. It had one element of rational reliance on testimony, for it was awarded only upon the oath of a credible witness who offered to venture his life in the duel for the truth of what he swore.

In Reeve's History of English Law, the demand for the proof by duel made by the litigant is stated to have been in these words: "I am ready to prove by my freeman John whom his father on his death bed enjoined, by the duty he owed him, that if at any time he should hear of a suit for this land, he should hazard himself in a duel for it, as for which his father had seen and heard."

Many other civil matters were subjected to this mode of proof. The champion was the witness in some kinds of suit, but in most matters involving property or debt or damages the duel or battle might be fought between champions selected by the parties. The business of champion was a well understood profession, and the business of procuring champions had also its representatives. There was one phase of this judicial combat which is not without merit. Pardons were sometimes granted to a notorious offender on condition that he would confess and accuse his associates, challenging them one after another to battle, if they denied his accusations. In this way the duel was useful as a means of ridding the country of bands of desperate criminals.

I must here add that in addition to proofs by judicial duel, ordeal and compurgators, it was possible at the time of Magna Charta to obtain what was called a "trial by witnesses" under some forms of pleading then known, for the pleader was at work to mitigate as far as possible, the worst of the modes of proof then usual. But we must not be misled by the term "trial by witnesses." It had some of the features of a jury trial, but none of the heart of the matter. The trial was not upon the evidence of witnesses delivered before either court or jury, but a trial by the verdict of a jury **themselves being** witnesses or supposed to be. This jury was summoned by the sheriff if such a mode of proof was awarded from the body of the county. If they knew nothing they must so swear. If from hearsay or personal knowledge some could speak and others could not there was no result, for twelve men must speak with one voice. Originally this mode was then held to fail and the

issue must go to some other mode such as the duel or trial by battle. Later it became lawful to add to the jury others, until twelve were found who would swear for one or other of the parties. This was called "afforcing" the jury. But in this mode we find no solid resemblance to a trial upon testimony, which is the essence of a jury trial. This substitute for trial by oath helpers or battle, slowly made its way, and was at the time of Magna Charta as near a jury trial as was then known. But if the evidential effect of medieval presentments by medieval grand juries admonish us that the ancient liberties of our forefathers of which we boast were not precisely what we had supposed, what must we say of the modes of proof which clearly constituted due process of law at the time of Magna Charta. The ordeal had the sanction of the Roman Church for centuries. Stately rituals were prepared and used when these superstitious tests were enforced. Wise men came more and more to question their virtue, and most men came at last to gibe at them. That much fraud was present in their application we have reason to believe from the meagre records of the time. One writer upon the history of the law refers to the records of a continental monastery which indicate some form of deception, for it records visible effect of fire or water in only one-half of a large number of cases where the monks had control of the ceremony. At last the church forbid the presence of her priests at ordeals by the council of Lateran, in 1216, and before the century that form of appealing to the justice of Heaven disappeared.

Trial by battle continued to be due process of law in Great Britain down to the Act of Parliament of 1819. One form of such wagers of battle was that known as an appeal of Murder.

Appeals of murder were prosecutions of an accused by the next of kin of the murdered person, either before or after an indictment, and acquittal by a jury.

They were never regarded as contrary to Magna Charta. "On the contrary," says Justice Matthews in *Hustado v. California*, "the appeal of death was by Lord Holt esteemed a noble remedy, and a badge of the rights and liberties of an Englishman." The common law concerning appeals of murder was thought to be in force in the Provinces of Maryland and Pennsylvania, 3 Binn 599-604, and in Maryland a negro was convicted and executed upon such an appeal in 1765. *Soper v. Tom* 1 Har. & McH 227 and 110 U. S. 626.

The last appeal in death was that reported under style of *Ashford v. Thornton*, 1 Barnwell v. Creswell 405 and was heard in 1818 by the Court of Kings Bench. Thornton was accused of the murder of Mary Ashford. He was indicted, tried and acquitted. Her brother William Ashford as heir at law sued out a writ of appeal

under which Thornton was again taken and jailed. Thornton then sued out a writ of Habeus Corpus, the sheriff returning the writ of appeal as his warrant for holding Thornton. The process and pleading is set out in full in the report of the case. The count of the appellant set out in detail the charge of murder and the right of the appellant as the heir at law to call the accused to account, and concluded with these words: "And if the said A Thornton will deny the felony and murder aforesaid, as aforesaid charged upon him, then the said W. Ashford, who was the eldest brother and is the heir of the said Mary Ashford, deceased, is ready to prove the said felony and murder against him, the said A. Thornton according to the Court here shall consider thereof and hath found pledges to prosecute his appeal."

The appellee, being furnished with copy of the writs and of the count, was required to plead, and for that purpose was placed at the bar the count was read over to him and he pleaded as follows: "Not guilty, and I am ready to defend the same by my body." Thereupon, taking his glove off, he threw it upon the floor of the court.

There was then a replication and a demurrer which was argued by Chitty.

The trial was before Lord Ellenborough, Justices Bayley, Abbott and Holroyd. The judgment was by Ellenborough, Chief Justice, who said: "The general law of the land is in favor of the wager of battle, and it is our duty to pronounce the law as it is, and not as we may wish it to be. Whatever prejudices, therefore, may justly exist against this mode of trial, still, as it is the law of the land, the court must pronounce judgment for it."

The appellant Ashford being, as we may suppose, unwilling to engage in mortal combat, dismissed his appeal and Thornton was discharged.

One of the most curious instances of this wager of battle is found in the fact that it was a primitive mode of questioning the judgments of the County Courts.

The King himself originally assumed to be the fountain of Justice and gave hearings to suitors. Certain persons selected by himself sat with him, and finally these persons came to constitute the chief court of the Kingdom and to be known as the Court of the Kings Bench. One of the writs which this court came in time to issue was that by which it acquired jurisdiction in an Appeal of False Judgment. The writ in such an appeal was styled *breve de falso indicio*, which commanded the County Court to make a record of its proceedings in a particular judgment and bring the record before the court by four of its "suitors."

Then the appellant in open court might aver that the judgment

was false and offer to make proof of the fact by wager of battle. If wager of battle was awarded the court by one of its members must do battle in defence of the impeached judgment. This it is said they would most often do by a hired champion, who was however nominally one of the court. If the courts representative should maintain himself until the appellant should fall or until sundown, the judgment was vindicated. If however he was overthrown the judgment was set aside and the court itself heavily fined for having pronounced a false judgment. In mitigation of this extraordinary mode of reviewing the judgment of an inferior court it should be stated that the Court of Kings Bench often devised methods of avoiding the combat of arms.

To quote from an address which I had the honor to deliver to the Bar Association of Kentucky upon the subject of Appellate procedure:

"Slowly it came about that the opposite party was heard in support of the judgment and measures resorted to for correcting error. Out of this rude clamor, demanding that the judgment should be vindicated by a combat with arms, there came about the present writ of error by which questions of law, saved upon the record, may be reviewed and error corrected by award of a new trial.

The *nisi prius* judges of this day may be congratulated that they have survived the times when they were liable to be called to do battle in vindication of their action, and that the proceeding is no longer against the court itself, but the successful litigant. This writ of "false judgment" may, however, be regarded as surviving to a degree in the well understood privilege of the losing lawyer to criticise the court and lay the loss of his cause upon its shoulders, provided only that his clamor is confined to the clerk's office or the corner tavern."

The right of trial by "oath helpers" or compurgators held on with equal persistence as due process of law within the meaning of that term as used in the Great Charter. In 1824, in an action of debt pending in the Court of King's Bench, the defendant demanded to "wage his law" and moved the court to rule as to the number of "oath helpers" he must produce. Abbot, Chief Justice, ruled that he was entitled to that mode of proof, but that the court would give no assistance, and that he must bring as many as he should be advised by counsel. The defendant proposed to bring eleven, but the plaintiff abandoned his action. The case is reported as *King v. Williams*, 2 Barnwell & Creswell 538.

In 1834 the British Parliament discontinued it as a lawful mode of trial.

Let us pause for a moment to contrast the rude procedure of the medieval common law courts in actions of debt and for land

where the proof was by compurgators, by wager of battle, or by the jury of witnesses, with the scientific methods in use for the trial of similar questions under the civil law in the time of Cicero. Upon the subject I again quote from the address before referred to.

"When a suit at law was commenced between citizens of Rome, the litigants would appear before the praetor or consul, as the case might be, whose duty it was to make a preliminary examination, not for the purpose of determining the merits of the case, but to settle the exact thing in issue between them. It was his duty to hear for this purpose the claims advanced by each party. From these claims he then constructed an issue, called a **formula**, which was a short technical statement of the point in controversy. He then appointed what we should now call a special master, but, under the Roman law was called a *judex*, or several of them to act together. The **formula** before prepared was placed in the hands of the *judex*, with the direction that if he found the fact to be as claimed by the plaintiff or the accuser, he should render judgment against the defendant, but if he found otherwise, he should be discharged. Under this **formula**, it was the duty of the *judex* to hear witnesses and argument and it was before the *judex* or *judices* that the orators appeared.

When he had heard the evidence and the argument, the *judex* rendered his verdict and judgment and returned it to the praetor who had appointed him. The praetor was not like a modern judge, for he was a political, administrative officer holding for but a short term.

He was not necessarily a lawyer by profession or practice. If he found the matter of the litigation to involve a question of law about which he was in doubt, he might consult and act upon the advice of the *juris consults*. These *juris consults* were men learned in the law, who wrote treatises upon the subject and by study of the old laws and the works of other experts were qualified to give opinions to the praetors, or to parties who themselves might submit the opinion of such *juris consults* to the praetor, to enable him to make out his **formula** and direct the judgment. These *juris consults* were seldom active lawyers and constituted a distinct class.

The advocates or orators were themselves not supposed to be much versed in law, and Cicero himself confessed his ignorance and claimed that one could get along as an orator with but little knowledge of the law.

The *juris consults* were the men of learning of the Roman bar, and to them the advocates would go for opinions upon nice questions of moment. Possibly all that our forefathers lost in the more orderly and equitable system of the civilians is compensated

by the fact that we escaped the inquisitorial method of that law and adopted the jury as triers of fact.

Long before the abandonment of ordeals as modes of proof, men of all countries were growing more and more dissatisfied with such superstitious appeals as tests of truth. In this attitude of mind Pope Innocent III introduced a new procedure, that of the judge of his own nation secretly collecting evidence against an accused which he would reduce to writing and use against the accused who was not confronted with the witnesses and given no right of examination. This inquisitorial method though instituted for use in the spiritual courts in treats of heresy was soon followed in the courts temporal. In heresy trials it proved too uncertain a method for securing conviction and was speedily reinforced by the Dominican Monks who added torture as a means of securing satisfactory evidence from reluctant witnesses and, confession from impenitent heretics.

Following the example of the spiritual tribunals the temporal courts of the continent slowly added this new weapon of torture to their inquisitorial methods. The Common Law escaped this indelible stain. The nearest approach to inquisitorial methods sanctioned by it were the secret methods of the primary grand jury. But that was regarded as a mere accusation, though the methods of procedure upon the trial gave it the weight of a *prima facie* case by compelling the accused to make proof of his innocence.

But the accused could not be lawfully questioned nor did the common law ever sanction torture. That there were instances of torture is lamentably true. But the burden of the stain must be thrown upon the Roman Church although it has endeavored to lay the crimes and cruelties of the inquisition upon the temporal law.

When the Pope's inquisition was instituted as a surer guide to truth than the superstitious tests then in vogue the English mind was being slowly directed toward that method which became finally trial by jury, and when the Council of Lateran forbid the priest to assist in the ordeal, the necessity for more rational methods of proof became urgent. The presentment lost all its force as evidence and came to stand as a mere accusation largely as a consequence of the abolition of the ordeal.

The defendants in both criminal and civil cases came more and more to "conclude to the country," the pleaders phrase for calling for a jury, and this method of trial came more and more to commend itself to the judges.

The early form of this jury of trial was a jury who heard no witnesses. It was therefore in a sense an appeal to the voice of the people, and in that sense an appeal "to the country." But the

jurors might act upon their own knowledge. Indeed it is to be gathered that when they had notice of the service expected they collected information in anticipation and repeated that which was heard in this way to their fellows. But if all this was not enough to bring twelve men to one conclusion, a conclusion to which they must swear under penalty of perjury, the court might add to their number, in place of those who knew nothing, others who did, and this "afforcement" might go on until there was an agreement of twelve. This clumsy method of getting testimony and of getting a verdict from the witnesses themselves, was slowly changed and there came about gradually a separation of those jurors who were witnesses from those who were not and the latter were permitted to hear what the former knew and from the testimony make a verdict. The necessity of balancing the witnesses of sifting the evidence and drawing conclusions, became then apparent.

Thus out of the archaic procedure of Magna Charter times there emerged during that century trial by jury. Under the enlightened Henry II, reforms in legal procedure were marked and by the close of his reign we may safely say that a rude form of trial by jury was a part of the procedure of the Common Law in certain cases.

That the common law escaped the adoption of the inquisitorial methods which came into use as trial by ordeal fell into disrepute and the atrocities of the torture which grew out of it, is in the main due to the fact that just at that critical time the principles of trial by jury were coming to be understood. The humane and philosophic system of jury trial was much more conformable to the developing spirit of liberty which found such strong and startling expression in the Great Charter.

That jury trial as we now understand it was not referred to or secured by Magna Charta must be conceded. That protection by the "law of the land and the judgment of his peers," was not meant to protect the subject against such archaic methods for the administration of justice as accusations based only upon common fame and "trials" by ordeal, battle and the oaths of compurgators, must be also conceded. Nevertheless that great charter of liberty was far and away the most important event in the political history of mankind which had yet occurred. Two fundamental principles of immeasurable importance to the liberty, welfare and happiness of men were then asserted and secured by compact between the King and the Barons.

The first, was the concession that taxation must be consented to by the Parliament. This principle secured at once a Parliament and its supremacy over the executive, and was the beginning of constitutional government. With the power of the purse the encroachments of the executive, whether he be King, Czar or

President, can and ever have been successfully resisted. Without legislative control of the power of taxation representative government is a vain thing.

Note the struggle of the Russian Douma to participate in government and witness its absolute helplessness so long as it can neither control taxation nor otherwise dominate the executive. Until the Czar can be brought to concede that he can not carry on government without the cooperation of the Douma there will be no constitutional government in Russia. The test question therefore with the Douma is whether the ministry shall be in accord with a majority of that representative body. So long as the Czar can hold out upon this question, so long will the Douma be a mere advisory body without the substance of power. The will of the Czar will continue to be the law of the Empire, a will modified only by his grace or his fears. With the power of taxation in the hands of the Parliament all other things will follow.

Perhaps the concession in that great instrument of the supremacy of the law was even a greater contribution toward the uplifting of the people and the promotion of their welfare than the concession of the power of taxation. The recognition of the supremacy of the law is found in that article which guarantees that no freeman should be deprived of life, liberty or property but by "the law of the land." This meant that there should be an end of arbitrary power. Only by general law, applying to all in like situation, should any man be disturbed. By that law, good or bad, wise or unwise, should all men be thereafter judged. That the law of the land as it then was allowed accusations made without testimony and sanctioned modes of proof by ordeal, by wager of battle and by the oaths of compurgators, is bad enough. But only by that law which was the general law and therefore the law of the land, whether it had its origin in ancient custom or kingly edicts, or was newly devised by the law making power, every man was to be guided, protected and judged. There is to be no more imprisonment, or amercements by mere act of arbitrary power. The law, whatever it is, is to be the one rule of action. This is the soul, the essence of what was meant by this provision of the Charter, "The protection of the judgment of his peers," says Mr. Reeves in his History of English Law, "had in view the *comites et barone*, and not the trial by jury, as has been commonly but erroneously supposed." But if this clause should be given a wider meaning as contended by some then the largest latitude of interpretation that can be reasonably claimed would simply secure a trial by the only jury then known, the jury of witnesses, or by some other legal proceeding adapted by existing law to the nature of the case. The Barons did not mean to secure jury trial as such trials came

afterwards to be, for they had at that date no conception of a trial by the balancing of testimony before a jury. Though the Great Charter did not secure jury trial, as commonly supposed, it did greater things and is the keystone of English Liberty. "To have produced it," said MacKintosh, "to have preserved it, to have matured it, constitute the immortal claim of England upon the esteem of mankind."

The Barons did not act for their own order alone. The people, "the Nation in general," says Prof. Stubbs in his Constitutional History of England, "the people of the towns and villages, the commons of later days, the Englishmen who had fought the battles of the Norman Kings against the feudatories, had now thrown themselves on the side of the barons * * * *"

"We do not indeed find, in the list of those who forced the King to yield, any names that prove the commons to have been influential in the drawing up of the articles." "It was probably by the Bishops, Langton in particular, and the legal members of the Confederacy that the rights of the freeholders were so carefully fenced round with provisions."

He adds; "These men and their successors led the commons and acted for them until the Reformation, with little discord and still less jealousy of their rising influence." This recognition of the great share of the men of the law in leading the English Commons into the path of free government and in securing the supremacy of Law, by so cautious an historian as Prof. Stubbs, was not undeserved.

Nor has the guiding hand of your profession been less effective in this land of the descendants of the commons who stood so firmly back of the Barons of Runymede. Whenever the people have assembled to assert or defend the eternal principles of popular government, or to resist the encroachments of arbitrary power, there has been heard the voice of those whom Prof. Stubbs calls, "the legal members of the Confederacy," cheering and counselling.

Their handiwork at last gave form to the surest security of constitutional government by the recognition of the courts as the final interpreters of the constitution and the sworn defenders of its supremacy.

JUDGE BENJAMIN F. GRAVES.

By Hon. Henry F. Severens.

Judge United States Circuit Court of Appeals

Although I am not down on your program, I am sure of your indulgence when you come to learn the theme of my brief speech.

Not long ago, on coming from the south, I chanced to pick up a newspaper and noticed in it a paragraph concerning some proceedings of the bar at Detroit in commemoration of the late Benjamin F. Graves. It was the first word I had heard of his passing, and "a feeling of sadness stole o'er me which my soul could not resist." During all the years since my youth, he had been my friend and none could understand what that meant who had not enjoyed the privilege of his friendship.

Your coming here renews and deepens the memory of those earlier days and it has seemed to me that I who knew him longest should compose a requiem which should be uttered here and echoed to the shade of the departed.

It was in the old courthouse which stood on the ground beneath us that Judge Graves, half a century ago, began his service here as circuit judge of this judicial circuit. He had served before that time as a magistrate, I think, at Battle Creek. By virtue of his office he was for a time a member of the old Supreme Court which consisted of the circuit judges, sitting en banc.

When I came to the state in 1860, his reputation of a sound, just and able judge was growing and coming into bloom in all this part of the state. It widened as time went on and at length he was chosen from among its ablest and most distinguished lawyers to be a member of the highest judicial tribunal in Michigan. How acceptably he performed the duties of that office you all know; and the reports of the decisions of that court have spread his name and title to distinction among the judges of the land throughout the whole country. And so it was that the active life and works of Judge Graves was spending the evening and the morning of the first day in the Genesis of the jurisprudence of Michigan. When after sixteen years of service he began to think his powers were failing, though none observed it, he retired voluntarily to private life and the rest he had so well earned. But his life thenceforward was

not a dull gray waste, as is sometimes the case with men who retire from the active pursuits of life. He devoted himself to his home and family and to studies and contemplations in wider fields than he had been able heretofore. He did not resist the allurements of literature and his nature ripened sweetly. There was no decay. It was a rounding out, a mellowing, and the fulfillment of a beautiful and useful life..

During the early years of his judicial life he was a close student of the law and devoted himself to the mastery of the rules and principles of the science. This he did, not only as a duty to qualify himself for the work he was set to do, but also, as I always thought, for the joy and endeavor and the victory. From this it naturally followed that he was at first rather disposed to straighten his course by the rigid enforcement of the technical rules he was storing away. But this did not last and as he came to see how often the victim was mangled on his Procrustean bed, his kindness of heart and sense of justice brought him more and more into the appreciation of the maxims of equity, and the rigors of technical doctrines were greatly eased thereby.

Upon the bench he was dignified and firm, but always courteous and kind. He was benign to the losing man, and tempered the winds to the lamb that was being shorn, so that lamb was hardly sensible to the suffering.

Another thing which endeared him to the young men was his charming cordiality in greeting their first appearance. I could testify for the many who have turned their whitened faces to the wall as well as some who are living, how deeply touched we were by his gracious and considerate kindness when we came before him and afterwards when he thought we were in any distress or embarrassment. And my heart moves me to tell how in later years he has sent me messages of affection in which he referred to the time when he was holding the court here, and bespoke for all of us his warmest regard, but it is not fitting to dwell now too much upon matters purely personal.

Judge Graves, at a ripe old age, has "Wrapt the drapery of his couch about him and laid down to pleasant dreams," if indeed the dead do dream, and perhaps it is better to say, he is gone to the reward which is promised to a well spent and honorable life. The Everlasting Arms are under him and he cannot fail of the promise. But like the forces of nature, which work on forever, through infinite transmutations, the influences which the work and conduct of our departed friend set moving in the world will go on, through invisible ways, but working continually for good until the end, in the resurrection.



HON. W. G. HOWARD.
PRESIDENT 1905-'06.

Shortly after the annual meeting of the Association, and on August 8th, 1906, our esteemed and beloved retiring President,

HON. WM. G. HOWARD,

passed away; a biographical sketch of his career will be prepared by the incoming Committee of Historians and published in next year's proceedings.

REPORT OF COMMITTEE OF HISTORIANS

Gentlemen:..

The grim reaper has been among us during the past year, and has gathered to his embrace many of the eminent members of the bar of this state. Men who had made a marked impress upon the business, social and professional life of their state, and whose influence for growth in the communities where they lived will long be missed, have been dropped from the rolls.

The Committee of Historians has found it difficult to get information requisite to the preparation of accurate biographies of these brethren who have left us. A biography must be something more than a mere eulogy. It should contain an accurate recital of the main facts in a man's life—his birth, parentage, education, the turning points in his career, etc. It will be misleading rather than helpful to the future historian of the state for this Association to attempt to keep a record of those members of the bar who have passed on to their reward, unless the record can be accurate in detail. With this in view, this committee has been at considerable pains to get at the facts from the intimate friends and professional associates of deceased members, in some cases, we are sorry to say, without success. The duties of the committee have been more than doubled by the apparent indifference of some of those whose pleasure it ought to have been to render assistance.

The bar of Detroit has during the past year met with the loss of some of its foremost men, numbering among them two ex-justices of the Supreme Court. In length of service and value of work accomplished, the man whose name appropriately heads the list is,—

Benjamin F. Graves.

Judge Graves was born at Rochester, N. Y., October 18, 1817, of New England parents. He worked on his father's farm when a boy. In youth he was not strong, physically, and, therefore, not well adapted to the hard work of the farm. He was exceedingly fond of reading and read with eagerness the volumes to which he had access. His school education did not extend beyond academic studies. He commenced the study of law in 1837 and was admitted to the bar at Rochester in October 1841. In 1843 he removed to Michigan and settled at Battle Creek, where he began the practice of his profession and

continued in it until 1857. In that year, on the resignation of Hon. Abner Pratt, he was appointed, in his fortieth year, Judge of the Fifth Judicial Circuit, which then comprised the counties of Allegan, Calhoun, Eaton, Kalamazoo and Van Buren. He was, therefore, for a short time, a member of the Supreme Court, under the old system. When his term expired, under his appointment, he was elected for a full term and continued in office until 1866, when, on account of ill health, he resigned. In the following year he was elected a Justice of the Supreme Court, and re-elected in 1875, as the candidate of both political parties, and received their joint vote. In 1883 he declined to be a candidate for re-election and retired to private life, universally respected by the citizens of his state, both for his eminent qualities as a judge and his high character as a man.

On the eve of his departure from the bench, and on the 27th of December, 1883, the bar of Michigan gave Judge Graves a public reception at the Detroit Club House, which was honored not only by professional, but by eminent citizens at large. A brief address had been prepared, elegantly engrossed on parchment, and, after being largely signed by lawyers, was presented to Judge Graves as a permanent memorial of the occasion. On the 8th of January following at the opening of the Supreme Court for the January term, the Hon. George V. N. Lothrop, on behalf of the Bar of Michigan, presented a copy of this memorial to the court, in a speech full of that charm which characterized his addresses. On the same occasion, Hon. Charles Upson, on behalf of the Bar of the State, presented to the court a portrait of Judge Graves, accompanied with the request that the same be assigned to a permanent place in the Supreme Court room. The portrait now hangs there and is recognized by all the older members of the bar who were acquainted with Judge Graves as a most speaking and satisfactory likeness.

Judge Graves was first married in 1847, to Lydia S. Merritt, who only lived three years. In 1851 he was again married, to Anna E. Lapham with whom he lived until her death at Battle Creek in 1894. In the meantime his son, Henry B. Graves, now a prominent lawyer, in Detroit, had opened an office in that city. His only daughter, Lydien, had married and settled there, and, having no longer any domestic ties, in Battle Creek, he, in 1894, joined his children in Detroit. The condition of Judge Graves' health at the time of his retirement from the bench, coupled with his advanced years, did not permit him to return to active practice. He lived a quiet but, as ever, a studious life to the end. He passed away in Detroit, full of years, on the 3rd day of March, 1906.

John Wesley McGrath.

Judge McGrath was born in Philadelphia, Pa., January 12, 1842.

He was of Scotch-Irish extraction. His father, Joseph McGrath, was a native of the north of Ireland; his mother, Jane Andrew, was a native of Glasgow, Scotland. They emigrated to America in 1840, and after living in Philadelphia three years removed in 1843 to Detroit. The primary education of John was obtained in the public schools of that city. In 1853 his father bought some heavily timbered land in Macomb County and started in to make a farm, and here the future Chief Justice spent the early years of his life, assisting his father in the strenuous work on the new farm and attending, during the winter, the district school. In 1861 and in 1862 he taught the district school which he had attended as a pupil. In the spring of 1862 he entered Albion College. In the fall of 1864 he entered the law department of Michigan University. At the close of that year he went to Detroit, where he worked during the day in the Provost Marshal's office, attending a commercial college in the evening. In 1865 he went to the oil regions in Pennsylvania, where he engaged in commercial pursuits. In 1867 he returned to Michigan and resumed his law course at the University, graduating in 1868. Immediately afterwards he opened an office in Detroit and commenced the practice of his profession. In politics he was a Republican, until 1878, when he allied himself with the Greenback Party, and so, became intimately associated with the political fortunes of Gov. Josiah W. Begole, who, upon his election, appointed McGrath Labor Commissioner, and upon him devolved the task of organizing the labor bureau created by the Legislature of 1883. This office he held until March 1885, but he did not give up during these years his practice of the law in Detroit. In 1887 he was appointed city counsellor in that city, which office he held until December 15, 1890. In that year he was nominated as the democratic candidate for justice of the Supreme Court, to fill the vacancy caused by the death of Justice Campbell, and was elected with the rest of the democratic ticket. He filled the expired term to which he was elected with credit to himself and honor to his state. Although the candidate of his party for re-election, in 1895, the political temper of the state had so changed as to become again abnormally republican, and he was defeated.

Upon his retirement from the bench he returned to Detroit and resumed the practice of his profession. The reputation he had made as a Judge stood him in good stead and if his health had been good he would doubtless have secured a large and lucrative practice. As it was, he became associated in the office of the city counsellor where his services to the City of Detroit were of great value.

Justice McGrath was married June 15, 1878, to Miss Lillian Walker, daughter of Hon. E. C. Walker, of Detroit, and his family consisted of three girls and a boy. He died at his home in De-

troit, on the 9th day of December, 1905, leaving surviving him his widow and three daughters. His son, a promising young lawyer, died a few years before him.

Alfred Russell.

Foremost among the great lawyers of Michigan for many years was Alfred Russell of Detroit. He was born at Plymouth, N. H., March 18, 1830, and was descended, on both sides, from parentage that settled in Massachusetts in the seventeenth century. He was carefully educated in the best schools of New Hampshire, attending Holmes Academy in Plymouth, Gilmanton Academy in Gilmanton, Kimball Union Academy in Plainfield, and Dartmouth College, from which he graduated in 1850. He at once entered upon the study of the law,—first in a private office, but later attended the law department of Harvard University, graduating in 1852. When twenty-two years old he removed to Detroit, and entered the office of James F. Joy. He formed a partnership the following year with C. L. and E. C. Walker, which continued until 1861, at which time he was appointed, by President Lincoln, United States District Attorney for Michigan, which is said to have been the only office he ever held. Certain it is that he gave his attention chiefly to the practice of his profession. He instructed many students in the law and some eminent lawyers of Michigan have graduated from his office. He, however, found time for the study of history and literature and for the preparation of many valuable papers and the delivery of many eloquent addresses before many learned societies and associations.

Mr. Russell's career as a lawyer has been full of activity. His name as counsel is found in more than one hundred volumes of the Michigan Reports, commencing with volume three.

In 1858, at the age of twenty-eight he was admitted to the Bar of the Supreme Court of the United States, and from that time to his death he frequently appeared in that court as counsel in important cases. He was a laborious student and prepared his cases thoroughly. As an advocate he was graceful and forcible, especially before the court.

Mr. Russell was married October 28, 1857, to Miss Ellen P. England of St. Albans, Vt., who is an authoress of repute and a social leader. Mr. Russell had four daughters, who with his widow, survive him. His death occurred under most dramatic circumstances. He was in attendance at a banquet, at Detroit, and was responding to a toast, when he seemed to hesitate and, in a moment, sank into his chair and never spoke again. If he could have chosen the manner of his taking off it is more than likely that he would have said "let me die in the harness and among my friends."

Michael Brennan.

Michael Brennan was born in Queen's County, October 28, 1851, and died at his home in Detroit, December 11, 1905. His father, John Brennan, was a farmer who came to America when Michael was ten years old and settled at Detroit. His early education was obtained at St. Anne's School and the public schools of the city. He graduated from the high school at Detroit in 1868; he intended to take a classical course in the University, but the death of his father made a change in his plans necessary. His first employment was in the general freight department of the Detroit & Milwaukee Railway Co. At the age of eighteen he secured a position as student and clerk in the office of Don. M. Dickinson. After remaining there three years he passed the required examination and was admitted to the Bar and began practice at once. At the age of 23 he formed a partnership with John C. Donnelly, which continued until broken by the death of Mr. Brennan. The practice of the firm was general, but for more than a quarter of a century the firm was the general counsel for the Detroit Street Railway System as well as many other large corporations. Politically, Mr. Brennan was associated with the Democrats, but he was, after all, an independent thinker and doer in political affairs, and no man and no measure secured his endorsement necessarily because it was advocated by his party. Notwithstanding his great popularity and wide acquaintance, he never sought or held a public office.

He was married in 1878 to Miss Margaret F., the daughter of Thomas Heely of Detroit. Two daughters and two sons were born of this marriage. His eldest son, Frank M. Brennan, after graduating from the law department of the University, became a member of the firm of Brennan, Donnelly & Van De Mark. At the opening of the Supreme Court on Tuesday, May 1, 1906, Mr. Thomas A. E. Weadock, on behalf of the Detroit Bar Association, presented to that court a memorial, adopted by that organization upon the death of Mr. Brennan, and it was entered on the record of the court, and will be printed in some subsequent volume of the reports. From it we extract the following:

"In social life Mr. Brennan was a lovable and beloved man, witty, genial, clean-hearted. There was no man in Detroit whose life pleasantly mingled with so many other lives as shown by the many organizations to which he belonged where his membership was desired and his presence was a pleasure.

"To many Mr. Brennan was best known by reason of his reputation as a raconteur. In the heat of a trial his sharp wit and satirical pungency made him an opponent to be gingerly handled, but underneath the armor of his tongue there was a gentle spirit

and a kindly nature which modified his utterances and mollified the discomfited subjects to his thrusts.

"He did not accumulate wealth, therefore he was not a beneficiary of unjust laws or combinations, he did not take advantage of the misfortunes of his fellowman, he did not acquire the property of others without paying its value, he was not ungenerous to those less fortunate than himself.

"On the other hand he was a good citizen, he founded and maintained a Christian home, he was a faithful husband, an affectionate father to the sons and daughters who gladdened his life and home, and he was respected and beloved by the people who knew him.

"He was a religious man. He had faith, and lived as such a man should live. He was a philosopher, not a pharasee."

It is doubtful if any man in the Detroit Bar could have passed away leaving a larger number of personal friends who mourned his loss than Michæel Brennan.

(By some oversight, your Committee, constituted in 1905 much as it is this year, omitted to take due notice of the death of Hon. Andrew Howell, a distinguished member of the bar, a judge of one of our circuit courts, and a law writer of ability and prominence).

Andrew Howell.

Judge Howell was born in Seneca County, N. Y., December 18, 1827. His father, Joseph Howell, was a native of the same state. His mother, whose name, before marriage, was Lutetia VanDuyn, was born in New Jersey. His ancestors, on the father's side, were of Welch extraction and settled in Rhode Island in the Colonial time. In 1831, Judge Howell's father moved to Lenawee County of this state, where, for many years, he was one of the leading citizens of Southern Michigan. He was a member of the convention which framed the first constitution of the state. Young Howell's boyhood was spent mostly on the farm. His education was acquired in the district schools of the vicinity, in the Academy of Tecumseh, and at Albion College. He was admitted to the Bar, at Adrian, in 1854, and began practice in partnership with Hon. F. C. Beman. In 1854 he formed a partnership with R. R. Beacher, which continued for many years. He was a member of the State Senate in 1865, and again in 1867. His first appearance as a law writer was as the Editor of Tiffany's Justice Guide, and Tiffany's Criminal Law,—two books which are more widely known and used in Michigan, probably, than any other law books. Later, his publication, under the auspices of the state, of the Annotated Statutes of Michigan, formed him, in the judgment of the Bar of the state, as a most careful, painstaking

and discriminating legal editor. In 1881 he was elected Circuit Judge of the First Judicial Circuit. He resigned the office of Judge in 1887, and removed to Detroit, where he engaged in the practice of the law. We quote from a memorial presented to the Supreme Court at the January term, 1906, and spread upon the records of the court as follows:

"He was a lawyer of the old school, and a profound and tireless student. His ideals were high and exacting, and he lovingly devoted his life and energy to their pursuit. He was an able and honest judge, and it has been truthfully said of him: 'He had the patience and gravity essential to the administration of justice. He was never hasty in his conclusions, was always deliberate but prompt in his decisions, and they were very rarely reversed. Above all, integrity was his portion and proper virtue; and his deportment on the Bench was such as to promote the ends of justice and equity.

"He was simple, modest and retiring in his life and habits. He had a high sense of personal and professional honor, and above and beyond all he was a Christian gentleman."

In 1859 he was married to Miss Mary Adelia Beecher Tower, daughter of Rev. Philo Tower of Rochester, N. Y., who was of great assistance in all his literary labors and pursuits. They had two sons, Robert Beecher Howell, a graduate of the United States Naval Academy at Annapolis, and Charles Arthur Howell, at present engaged in the practice of the law at Detroit.

Judge Howell died at his home on the 22nd day of December, 1904.

Levi Thomas Griffin.

Mr. Griffin was born May 23, 1837, in Clinton, New York, and until he was eleven years old lived in Utica, with his grandparents. In 1847 his parents brought him to Rochester, Michigan, where he attended school, showing great aptitude for study, and, at the early age of sixteen, he entered the University of Michigan, where he graduated in 1857. In 1858, and at the age of twenty-one, he was admitted to the Bar by the Supreme Court. In 1862 he entered the army as Second Lieutenant in the 4th Mich. Cavalry, was promoted to First Lieutenant and became Adjutant of his regiment. He was honorably mustered out of service July 1, 1865, with the rank of Captain and Lieutenant Major.

Returning to Detroit he resumed the practice of the law, and, in 1865, associated himself with Don. M. Dickinson. His career as a lawyer from that time, and until a great calamity came upon him, was a brilliant one. As a trial lawyer he had few equals. He was appointed Fletcher Professor of Law in the University of Michigan, and retained that position eleven years. He was elected to Congress,

from the 1st District of Michigan, to fill a vacancy in 1893 and served until March 4, 1895. Later, a candidate for re-election, he was defeated. In politics he was a Democrat. While in Congress he was suddenly stricken with total deafness. It came upon him in a night and all his hopes of a career in public service and in professional life had to be abandoned. The last years of his life were spent in Pittsburg, but he returned to his old home in Detroit and died there on the 17th of March, 1906. He left a son and two daughters.

George H. Hopkins.

Mr. George H. Hopkins, who died suddenly at his home in the City of Detroit, on March 6, 1906, was born in the Township of White Lake, Oakland County, on November 7, 1842. His ancestor, the first of the line in America, came to this country early in the seventeenth century, settling in Hartford, Connecticut. The descendants of John Hopkins, of Hartford, have been many, not a few of whom have won fame and fortune.

George H., being an ambitious farmer's boy, soon finished the course of study in the district school, and by alternately teaching and going to school, was able in the fall of 1860 to enter the State Normal School at Ypsilanti. Here he remained until President Lincoln's call for troops became so urgent that he felt he could no longer remain at school while his country needed his services, and in August he enlisted with the Normal Company, so-called.

Returning home after the close of the war, Mr. Hopkins, finished the course at Ypsilanti Normal School, and spending three years at the University left, with the law class of 1871. He immediately entered the law office of Newberry, Pond & Brown in Detroit; at that time, probably, the strongest law firm in the state. A little later, when the firm were asked to name a young man to act as Assistant Attorney of the old Detroit, Grand Haven & Milwaukee Railroad, he was strongly recommended for the position, and for several years acted in that capacity. Having become acquainted with Gov. Bagley he was asked to become his private secretary, and securing leave of the head of his department to be temporarily absent during the session of the Legislature, he so served the Governor and was urged to continue with him, and remained during his entire term of office, still devoting a large share of his time to the railroad. Mr. Hopkins early showed an aptitude for public affairs, taking an active part in politics, and in 1878 was elected to the Legislature, being one of the few Republicans elected to any office in the City of Detroit. By successive re-elections he served for three sessions of the Legislature. He was chairman of important committees, such as the Judiciary and Military Affairs, and introduced the bill for the pur-

chase by the City of Detroit of Belle Isle. He introduced and secured the passage of a per capita tax for the proper maintenance of the state militia. Later he served on Governor Alger's staff.

Upon the death of Governor Bagley, and by his will, Mr. Hopkins became one of the trustees of his extensive estate. Owing to its diversified nature, and the desire of the other trustees that Mr. Hopkins should take the major portion of the labor, he was compelled, greatly to his regret, to relinquish his legal practice and devote his entire energies to his new duties. Later he became extensively interested in various commercial enterprises.

In 1888, he was Chairman of the Republican State Central Committee and rendered services of the highest order to the party. In 1890 President Harrison appointed him collector of customs for the port of Detroit, which office he held for four years.

Mr. Hopkins was an active member of the Grand Army of the Republic. Was one of the organizers of the Detroit Post and later its commander. In June, 1904, he was chosen State Department Commander, serving for one year. He was a member of the Loyal Legion, Spanish War Veterans, Sons of the American Revolution, and Society of the Colonial Wars.

Upon the breaking out of the Spanish-American war, he was appointed, by President McKinley, Assistant Adjutant General, and was offered, by General Shafter, a position on his staff. This he expected to accept, but on his arrival at Washington, at the urgent entreaty of General Alger, then Secretary of War, he declined this position, and was detailed to act as the Secretary's private secretary.

Major Hopkins was stricken suddenly, with paralysis, while at work at his desk in his office, on the evening of March 5th and died early the next morning. The daily press vied with each other in encomiums on his life and character. The various institutions, societies and clubs that he was connected with passed highly eulogistic resolutions in his memory. General Alger said, and many others repeated the words, "I have lost my best friend."

Judge Morse wrote: "I was shocked and grieved beyond expression at the news of the sudden death of Major Hopkins. I became acquainted with him while in the Legislature of 1875—when he was private secretary of Governor Bagley. Have known and loved him ever since. * * * He was so robust and manly looking when I last saw him. He died in the harness, working as he always worked, in the interests of those whose welfare was in his hands. * * * I can only hope that I shall have the esteem and love of as many as he had when I, too, shall have joined the majority."

Frederick O. Clark.

For many years one of the leading lawyers of the Upper Pen-

insula, Mr. Clark was born in Giarđ, Pa., in 1842. He received an academic education, removed to Michigan in 1862, and took up his residence at Escanaba, and for a time was engaged as a civil engineer and assisted in locating and constructing the Chicago & Northwestern Railroad. Later he studied law and was admitted to the Bar, in 1870. His first five years were spent at Escanaba, but he removed, in 1876, to Marquette, which continued to be his home so long as he lived. He was at one time president of the village of Escanaba, prosecuting attorney of his county, and a member of the State Legislature in 1875. Mr. Clark won success at the law, built up and maintained a large practice and accumulated a comfortable fortune. In 1877 he was married to Ellen J. Harlow, only daughter of Amos R. Harlow, the founder of Marquette. There was born to them a daughter and a son. Mr. Clark was for more than forty years closely identified with the Upper Peninsula in all its phases of progress and development. He lead an honorable life, both as a citizen and a man, and left a large circle of friends to mourn his loss.

Clement E. Weaver.

Hon. Clement E. Weaver, an old and highly esteemed member of the Lenawee County Bar, died at his home in the city of Adrian on April 6th, last.

Mr. Weaver was born on July 18, 1832, at Lartland, Niagara County, New York, and removed to Hillsdale County, this state with his parents in 1835. Like so many other successful men he was reared on a farm and for some years after he became of age followed farming as an occupation. Being of a studious cast of mind, he turned his attention to the study of the law and was admitted to the bar in Hillsdale County in 1859. He shortly afterward removed to the village of Hudson, Lenawee County, and began the practice of his profession. In 1864 he was elected prosecuting attorney of Lenawee County and removed to Adrian the following year, where he remained the rest of his life, devoting himself to the practice of the law.

For more than thirty years, and down to the time of his last illness, Mr. Weaver was a trusted member of the legal force of the Lake Shore & Michigan Southern Railroad Company, and during much of that time attended to the greater part of their Michigan litigation. He was a very familiar figure in the Supreme Court of the state, and his acquaintance with the prominent lawyers of the state was extensive.

At the time of his death Mr. Weaver was president of the Lenawee County Bar Association, and was a member of the state and national bar associations.

Mr. Weaver was a lawyer of great experience and ability. He

was proud of his profession, and always tenaciously adhered to the highest ideals of legal ethics. He held in great love his fellow members of the bar, and in his intercourse with them was always the soul of courtesy and consideration.

At his death the Bar of Lenawee County was called together and passed appropriate resolutions signifying the esteem in which he was held by his associates, and the people among whom he had lived for nearly half a century.

Mr. Weaver left surviving him three daughters, Maud W. Peck, wife of E. B. Peck of Indianapolis, Indiana; Bertha W. Steck, wife of H. B. Steck, of Lorain, Ohio; and Winifred W. Dodge, wife of Frank P. Dodge, of Adrian, Michigan. His wife, Mary R. Weaver, died on August 2, 1901, and his only son, William L. Weaver, died May 28, 1902. Five grandchildren also survived him, and two brothers, Riley Weaver, of Bradford, Pennsylvania, and Charles M. Weaver, of Hillsdale, Michigan.

Noah Wood Cheever.

Judge Cheever, after an active practice of the law for almost forty years, died at his home in Ann Arbor, July 20, 1905. Born in Mohawk, New York, July 22, 1839, he moved with his parents, first to Illinois, and later to Michigan. Except for a single year spent in Chicago, in 1866, he had resided in Michigan since 1857, and in Ann Arbor since 1859. It was the superior educational opportunities that brought the family to Michigan, and he and his two brothers graduated from the University in the same class, he receiving from the University the degrees of A. B. in 1863, L. L. B. in 1865, and A. M. in 1866. The subject of this sketch was always public spirited and zealous, sometimes at great cost and daring, for every cause which he regarded as for the public weal. He was a prolific writer in articles and pamphlets on educational, social, religious and civic questions of the hour, and gave himself unstintedly to movements that appealed to him as making for public righteousness. Politically, the slavery question early made him an ardent Republican, and he long continued to act with that party after the slavery question was settled. On the Republican ticket he was elected city attorney of Ann Arbor in 1869, and Judge of Probate of Washtenaw County in 1873. His interest in temperance led him later to work with the Prohibition party, and he was frequently its standard bearer for various offices, including governor of state and justice of the Supreme Court.

His professional experience was large, and important interests were intrusted to his care during his whole career, especially in the administration of the estates of deceased persons. He wrote Cheever's Probate Practice in 1876 and revised it in 1884 and 1892.

He is also the author of a Corporation Form Book issued in 1895. All his immediate family had preceded him to the far country, as well as his brothers, but he leaves behind him many whose lives are monuments of his interest in individual men and in society.

John M. Harris.

Mr. John M. Harris, a prominent lawyer, died at his home in the City of Saginaw on the 25th day of February 1906 of typhoid-pneumonia.

Up to within one week of his death he had been in the enjoyment of excellent health and actively engaged in his profession. He had been for many years in partnership with Ex-Judge Kendrick and had built up a most notable reputation as a man of integrity and ability. He was born on a farm in Jefferson County, New York, October 12, 1847; graduated from Phillips-Andover Academy, and entered the literary department of the University of Michigan in 1870. Before completing this course, he went into the law department, from which he graduated with honors in 1873. After graduation, he removed to Saginaw and for a time was engaged in the office of United States Register of Bankruptcy, in that city, until the bankruptcy law was repealed, when he removed to Grand Rapids where he formed a partnership with the late J. Mason Reynolds, a classmate. Later he was a partner for several years, in the same city, with Ex-Judge William E. Grove.

Although starting life as a Republican, Mr. Harris became a Peter Cooper Green-backer, and, in 1876, was elected on that ticket to the office of Police Judge in the City of Grand Rapids, being the first Judge to hold that position in that city. In 1883 he returned to Saginaw, entered the profession of the law with Judge L. C. Holden, which relation continued for four years, at which time he was elected Prosecuting Attorney of the county, and, soon thereafter formed a partnership with Judge William R. Kendrick, which partnership was dissolved by the appointment of his partner to the Circuit Bench, but was later resumed and continued until the time of his death. In 1897 he held the office of Assistant Prosecuting Attorney for one term. He filled various positions of trust in the city, among which was the office of School Inspector, in which he took a very prominent part in all the affairs of the board. He ran, at one time, for Supreme Judge, on the Peoples Ticket.

Mr. Harris was a man of very positive ideas. He was a firm believer in the value of principle and stood out fearlessly for what he considered the right. In private life he was rather a quiet man. He was a careful student all his life.

At a special meeting of the Saginaw County Bar Association, which was held at the court house on the 28th day of February,

a large attendance gathered and reviewed, in eulogy, many of the virtues of their late lamented brother.

Henry B. Carpenter.

Among the lawyers of Michigan not widely known, but well beloved by all who knew him, was Henry B. Carpenter, of Lansing. From a published memorial printed by his friends, we select a modest, but truthful statement, of the leading events in his life, furnished by Mr. Justice Ostrander, a lifelong friend:

He was born in the town of Gaines, Orleans county, New York, April 25, 1835; came to Michigan with his family in 1855, and with them settled on a farm in the township of Windsor, in Eaton county. He soon left the farm to attend the Michigan State Agricultural College, from which, however, he did not graduate. In New York, he had attended school at Albion. He had the experience of the winter country school teacher, took up early the study of the law, at first in the office of John W. Longyear, in this city. There he met Schuyler F. Seager, and there began a friendship which continued so long as Mr. Seager lived. From the office of Mr. Longyear, he became employed in the state library under J. Eugene Tenny, once judge of our municipal court, then state librarian, and in that position he completed his preliminary reading of the law and was admitted to practice. Just when he was admitted to the bar, I am not able to state, but it was before the breaking out of the Civil War. He commenced at once to practice law, having an office in this city with William H. Pinckney. On August 9, 1862, he enlisted as a corporal in A Company, Twentieth Michigan Infantry, being at that time twenty-seven years of age. He was successively sergeant, first sergeant, second lieutenant, first lieutenant of A Company, and was commissioned captain of B Company, in the same regiment, October 24, 1864. He served as aide de camp on brigade staff, was assistant provost marshal, and was mustered out and honorably discharged May 30, 1865. He was wounded in action at Cold Harbor June 3, 1864. He must have at once turned his attention to his profession, because in April, 1866, and again in April, 1867, he was elected justice of the peace in this city. He served for two terms as prosecuting attorney of Ingham county, and was for one year city attorney of Lansing. He died in Lansing, August 5, 1905.

**REPORT OF COMMITTEE ON DIVISION AND REFERENCE
PERTAINING TO PRESIDENT'S ADDRESS.**

Michigan State Bar Association:

Gentlemen:—

Your committee appointed to consider the address of the President of the Association for the purpose of division and reference. After deliberation beg leave to report as follows:

I. We recommend that that portion of the President's address relating to appeals and certiorari from Justice Court to the Circuit Court, and appeals from the Circuit Court to the Supreme Court be referred to the committee on legislation and law reform for its consideration and action.

II. We recommend that that portion of the President's address relative to official stenographers and their compensation be referred to a special committee of three, to be appointed by the incoming president of this Association.

III. We recommend that that portion of the President's address relating to jurors in the Circuit Court, be referred to the committee on legislation and law reform for its consideration and action.

IV. We recommend that that portion of the President's address relating to practice in Probate Court, be referred to a special committee of three to be appointed by the incoming president of this Association.

V. That portion of the President's address referring to the change of venue statute having been passed on by the Association, we make no report or reference relative thereto.

VI. We recommend that that part of the President's address relating to costs in the Federal Courts, be referred to a special committee of five, with the recommendation that they make a thorough investigation of the matter, and report fully thereon at the next meeting of this Association.

VII. We recommend that that portion of the President's address relating to the incorporation of this Association, be referred to a special committee of three to be appointed by the President of this Association, to report at the next meeting of this Association.

VIII. In the foregoing recommendations for reference of certain matters to special committees rather than to the committee on leg-

islation and law reform, we are moved by a desire to relieve the committee on legislation and law reform, which committee is largely burdened, by distributing the responsibility elsewhere.

All of which is respectfully submitted.

PHILIP T. VAN ZILE,
Chairman.

JAMES H. KINNANE,
CHAS. M. WILSON,
Committee.

REPORT OF COMMITTEE ON LOCAL AND SPECIAL LEGISLATION.

To the Michigan State Bar Association.

Gentlemen:

The matter of local and special legislation, in its broad scope, is quite beyond the capacity of the ordinary busy, work-a-day lawyer, who is under the necessity of earning his living; and for its investigation, in its whole field, requires the ability of the student jurist, unhampered by lack of time, and with unlimited opportunities for study and research. Your committee, therefore, has been compelled to offer the results of a limited and superficial review of the subject.

Statutes whose operation is intended to be restricted within certain territorial limits are local statutes, according to Bouvier, and they may be either public or private.

A statute which binds the community—(the state)—at large, on the other hand is a general or public act. (Anderson.)

While such an act as operates only upon particular persons and private concerns may be denominated a private or special act. (Anderson.) It may seem that all local acts were in a sense at least, special acts. "Special" being the broader term.

An examination of the work of our legislature for a quarter century, commencing with the session of 1881 and including the session of 1905, thirteen legislatures, and omitting the special sessions of 1882, 1892, 1898, and 1900, as indicated by the bills and resolutions which became laws, shows that during that period the legislature passed three thousand eight hundred and fifty-eight (3,858) public acts, joint resolutions and concurrent resolutions, covering in the published statutes five thousand seven hundred and thirty-one (5,731) printed pages; the acts varying in length from a few lines to the many pages of a general tax law, and averaging about one and one-half (1 48-100) printed pages per act, and also passed about two thousand eight hundred and five (2,805) local acts, covering eleven thousand five hundred and ninety-seven (11,597) pages of the published statutes. And making a grand total of six thousand six hundred and sixty-two (6,662) acts and seventeen thousand three hundred and twenty-eight (17,328) printed pages of statute law. Surely if legislation be the panacea for all ills and evils, public and private, the destiny of the people of Michigan is safe.

The printed page may be a fair, and it certainly is not an

ideal measure of the work of the legislature, but it is surely very tangible evidence as to the volume of the output of the legislative mill, and the figures given above certainly demonstrate that there is no dearth of general legislation (3,858 public acts and resolutions) and that the volume of local legislation is more than seven-tenths (72 7-10 per cent.) as large as the public acts, in point of numbers, and more than twice as large in point of published pages, and this, too, notwithstanding the fact that most of the local acts are for the government of cities, the organization of which is provided for by general law.

The mere statement of this last fact is a strong argument showing the evils of special charters for cities. Why is it that all these cities of Michigan are not content to organize under the general law? It is because, those who are for the time being at the front in the management of the affairs of the several municipalities, desire some special favor at the hands of the legislature, or want some common power granted in some unusual or special manner, or to some unusual official or board, or because some influential man has a pet idea of municipal government that he wants to carry out, not to say anything about many more sinister motives that might be mentioned or imagined. The most potent factor in this disinclination to adopt a blanket charter, being without doubt, the desire in the part of all local officials to avoid responsibility. This in all its ramifications, is very far reaching.

It is said of one large city in the state that a certain commission was erected in the municipal government to provide a place for a friend and relative of the mayor, and in another case that a municipal court was provided for in order to supply a judicial position for a favored local office holder. Plausible reasons are never lacking with which to approach the legislature and to lull the suspicions of the local public.

The history of municipal corporations in England shows, prior to 1835, a great variety in kind and powers. About that time a parliamentary committee was appointed to investigate the subject of municipal government, and the report of that committee resulted in the adoption of what is known as the "Municipal Corporation Reform Act of 1835." The source of municipal charters, of course, was originally in the Crown, but parliament from time to time began to usurp the prerogatives of the Crown, and passed many municipal acts. The first attempt at uniformity was the act of 1835.

In 1882 there was another consolidation and revision of the municipal law by parliament, the preamble of which recites "Whereas, divers bodies corporate at sundry times have been constituted in the cities, towns and boroughs of England and Wales to the intent that the same might forever be and remain well and quietly governed;

And Whereas, the act of the fifth and sixth years of the reign of King William IV, chapter seventy-six, to provide for the regulation of municipal corporations in England and Wales' (the reform act of 1836) applies to most of those bodies constituted before the passing of that act, and to every one of the bodies constituted after the passing of that act; and that act having been from time to time much altered and added to by other acts, it is expedient that all the acts aforesaid be reduced into one act with some amendments: Be it therefore enacted," etc.

From the passage of this act of 1882 all municipalities in England and Wales have been under its provisions.

There is almost a chance of saying, that municipal organizations existed in the United States before there was a colonial or state government, for it is certain that the "town meeting" had its place very early in the New England states, and it seems likely that there were some municipal charters granted by the Crown, prior to the organization of any colonial government. The source of municipal charters, in this country after Independence of course, being entirely in the legislative bodies of the several colonies and states, and at the beginning grants of charters to municipalities were made only by special act of the legislature.

As the states increased in population and wealth, and the number of municipalities multiplied, the desirability of uniformity in municipal government began to be manifest, and in time this sentiment resulted in the adoption of general laws for the incorporation of cities, even in many of the older states, and of late years it is clear that the drift is setting strongly toward the adoption of general laws and provisions looking toward, and providing for local self government.

Of the forty-five states, leaving out the states of Utah, Washington and Wyoming, in regard to which your committee has no information on the subject, the states of Connecticut, Delaware, Georgia, Kentucky, Massachusetts, Montana, New Hampshire, Vermont and Virginia, all old states but Montana, have no constitutional provision relative to municipal government.

In the states of Alabama, California, Colorado, Louisiana, Maine, Michigan, Minnesota, Nevada, New York, North Carolina and Oregon there are constitutional provisions allowing the granting of special charters to municipalities, while in the states of Arkansas, Illinois, Indiana, Iowa, Maryland, Missouri (except in case of cities of 5,000 and upwards upon approval by vote of the inhabitants) Nebraska, North Dakota, Pennsylvania, Tennessee, Wisconsin (1871), and West Virginia and in the states of Florida, Idaho, Kansas, Mississippi, New Jersey, Ohio, South Carolina and South Dakota the constitutions provide either that no special acts for the incor-

poration of municipalities shall be adopted, or that municipalities shall only be organized under general laws.

Rhode Island provides for incorporation of municipalities by special act only, and in Texas it is left for the legislature to enact general or special laws.

The constitutional provisions in Michigan bearing upon subject are as follows:

"Corporations may be formed under general laws, but shall not be created by special act except for municipal purposes. All laws passed pursuant to this section may be amended, altered or repealed. But the legislature may, by a vote of two-thirds of the members elected to each house, create a single bank with branches. (Sec. 1. Art. XV.)

The legislature shall pass no law altering or amending any act of incorporation heretofore granted, without assent of two-thirds of the members elected to each house; nor shall any such act be renewed or extended. This restriction shall not apply to municipal corporations. (Sec. 8, Art. XV.)

No corporation, except for municipal purposes ** ** ** shall be created for a longer period than thirty years * * * *(Sec. 10, Art. XV.)

The legislature shall provide for the incorporation and organization of cities and villages, and shall restrict their powers of taxation, borrowing money, contracting debts, and loaning their credit. (Sec. 13, Art. XV.)

The legislature may confer upon organized townships, incorporated cities and villages, and upon the board of supervisors of the several counties such powers of a local legislative and administrative charter as they may deem proper. (Sec. 38, Art. IV.)

It will be seen from these provisions of the constitution, that while the framers of that instrument, guarded against the creation of private corporations by special act, compelling them to be organized under general laws, so far as municipal purposes are concerned, the legislature was left absolutely free to deal with the subject in any manner it chose, and this notwithstanding the fact that the primary idea of municipal government in the United States from the beginning was to grant great liberty and independence, and more or less local self government. This idea is well stated by Judge Cooley who says: "In contradistinction to those governments where power is concentrated in one man, or one or more bodies of men, whose supervision and active control extends to all objects of government within the territorial limits of the state, the American system is one of complete decentralization, the primary and vital idea of which is, that local affairs shall be managed by local authorities, and gen-

eral affairs only by the central authority." Cooley Const. Lim. 7 ed. 261.

Uniformity tends towards simplicity in all things and if we could only have in this state one general law for the incorporation of cities and villages, and compel all such municipalities to be organized under it, a code of municipal law would soon be developed that would be understood by the bar, and would as a rule, be correctly followed by the municipal officials. Under the present system, there is an almost universal lack of knowledge of the local municipal laws on the part of the bar. Generally, there is no more than one or two in any city who know what the charter provisions of the city are. The city attorney is usually the only person who has such knowledge, and changes are made so frequently that he has to refer to several volumes of the local Acts in order to get all existing provisions. Take the cases of Bay City and Bay County for instance,—during the last five regular sessions of the legislature, there has been twenty-two acts passed affecting Bay City and thirty-three relating to Bay County. Under these conditions it is not to be expected that the bar even, let alone the people of the locality, should have much knowledge of the municipal laws. Nearly every session, it is charged, that acts affecting local affairs have been "railroaded" through the legislature without the knowledge of the local authorities. Such charges are often unfounded it may be, but there should be no opportunity open for the making of such a charge. But there is a great distrust of public officials abroad in the land, unfortunately not without reason.

The titles of the local acts of 1897 affecting Bay County are interesting and suggestive. We have Act No. 312. "An Act to provide for the transfer of money from the contingent fund of Bay County to the general fund of the board of county road commissioners of Bay County."

That act provides that \$18,000.00 be transferred from the County contingent fund to the road fund to be expended by the County road commissioners during 1897.

No. 361. "An Act to authorize a change of date of the meeting of the board of supervisors of Bay County as provided for by section three hundred and twenty-four, page one hundred and sixty-seven, of Howell's annotated statutes of the State of Michigan."

No. 391. "An Act to repeal act number two hundred and ninety-nine of the local acts of eighteen hundred and ninety-five, entitled "An Act to provide for selecting and drawing jurors for the circuit court for the county of Bay."

No. 396. "An Act to constitute the president of the village of Essexville, ex officio, members of the board of supervisors of Bay County."

No. 403. "An Act to provide for the payment of fees to the county of Bay and the clerk thereof in suits and proceedings in the circuit court for said county."

No. 415. "An Act to authorize the townships of Hampton, Portsmouth and Merritt, and the incorporated villages in said townships in the county of Bay, to permit the laying of a railway track in, along and across the highways, and the operation of a railway by means of electric or other motive power except steam power, within said townships or either of them."

No. 449. "An Act to amend section one of an act entitled 'An Act to authorize the board of supervisors of Bay County to fix the compensation to be paid to members of committees of said board, for committee work done by its order,' being an act number four hundred and thirty-two of local acts of eighteen hundred and ninety-five."

No. 450. "An Act to authorize the board of supervisors of Bay County to fix the compensation to be paid to the chairman of said board for services rendered as chairman of said board."

No. 459. "An Act to establish a sinking fund in Bay County, and to provide for the levying of a tax for the payment of bonds as they may become due."

No. 463. "An Act to amend an act, entitled 'An Act to establish a bridge district in Bay County, and to provide for the appointment and election of commissioners and for the construction, care and maintenance of bridges therein,' approved January twenty-eighth, eighteen hundred and eighty-nine being act number two hundred and seventy-eight of the local acts of eighteen hundred and eighty-nine."

No. 467. "An Act to provide legal counsel for the board of county road commissioners of Bay County, and to require the prosecuting attorney of Bay County to act as legal counsel and advisor of said commissioners."

No. 470. "An Act to amend an act, entitled 'An Act to establish a bridge district in Bay County, and to provide for the appointment and election of commissioners and for the construction, care and maintenance of bridges therein,' approved January twenty-eighth, eighteen hundred and eighty-nine being act number two hundred and seventy-eight of the local acts of eighteen hundred and eighty-nine."

Among the reasons most commonly advanced by the opponents of a uniform code of municipal law, are the claims that local conditions beget local requirements that are not met by general law; that a newer town cannot be governed in the same way a larger and older city can be; that a board of public works might be required in one case, a municipal lighting plant in another, municipal water-works in one town, and not in some other, and so on through a considerable list, but it seems to your committee that these oppon-

ents overlook the fact that human nature is the same the world over, and that the question of whether there should be municipal lighting or municipal water works, might be well left under the provisions of a general law to local option. Might it not as well be said, that because the lumbering communities of the Saginaw valley, as they existed from 1870 to 1880, were regions of great disorder, where there were frequent violent fracas and combats resulting in many serious personal injuries and often in the death of participants, that such conditions required special local legislation on the subject of murder and homicide; or, that because in a certain community there was a large class of people, who did not fully appreciate the rights of the individual, in certain kinds of personal property, that to meet that condition in that community there should be special local legislation on the subject of theft and kindred crimes?

Good government is good government the world over, and it cannot fairly be said that wise and ample municipal codes are beyond the wisdom of the legislature. The trouble would be in getting the subject out of politics,—local politics especially.

Outside of local legislation as typified in our special charters, there is very little that can be denominated special legislation in Michigan. The constitutional provision prohibiting the granting of special charters to corporations other than municipal corporations, cuts off the worst form of that kind of legislation.

The remedy for this continual charter tinkering and revision that we are now subject to, is of course, in a constitutional provision. The present is peculiarly an opportune time for the agitation of the subject, in view of the fact that the people at the election in April last, voted to hold a convention to consider the revision of the constitution. With such a convention before us it would seem as though the field were open for a campaign that might result in constitutional provisions that would hereafter require the organization of municipal corporations under general laws, and cut off all the other forms of special legislation.

Respectfully submitted,

Committee on Local and Special Legislation,

FRANK S. PRATT.

Chairman.

June 27, 1906.

REPORT OF COMMITTEE ON CHRISTIANCY MEMORIAL.

To the State Bar Association.

Gentlemen:

Your committee, to whom was referred the matter of procuring a bust of Judge Christianity to place in the Law Library at Lansing, by resolution adopted at the last annual meeting of this Association, would respectfully report:

That we have had several meetings for consideration of the subject; and it has been ascertained that a suitable bust in marble of Judge Christianity, similar to the one of Judge Campbell now in the Law Library, can be obtained at an expense of one thousand dollars, providing good likenesses of Judge Christianity showing his head at different angles can be furnished the artist.

This committee has corresponded with a great number of people who were friends of Judge Christianity in the effort to secure good likenesses, and have secured several photographs, from which we believe a bust may be modeled.

We would recommend that this Association adopt some method of collecting the money with which to procure such bust, and that when the funds are provided, Mr. E. C. Potter, of Greenwich, Conn., be employed to do the work.

HARRY A. LOCKWOOD,
JOHN C. DONNELLY,
WILLARD F. KEENEY,
GRANT FELLOWS,
SILAS L. KILBOURNE.

RESOLUTIONS.

By Mr. A. J. Lacy, of Clare:—

Whereas, the revision of the Constitution involves the reconstruction of the fundamental law of this state, and the readjustment of rights most sacred to every person within the state, requiring conservative, impartial and representative expression of their desires, untrammelled by partisanship in the slightest degree, therefore

Be it Resolved, that it is the sense of The Michigan State Bar Association, that the interests of the whole state will be best conserved by a Non-partisan Constitutional Convention, and our hope and recommendation is that the legislature will devise a plan therefor which will insure a Convention of a Non-partisan character; and that the Secretary of this Association be directed to forward a copy of this resolution to each member of the next legislature, when elected.

Unanimously carried, by the Association.

By Judge Van Zile, of Detroit:—

Resolved, that the report of the Committee on Local and Special Legislation, and recommendations therein, be adopted; that the Committee be authorized and requested to make the report public, by such distribution of printed copies thereof as the Committee shall deem proper, the expense to be paid by the Treasurer; and that the Committee be empowered, in the name of the Association, or otherwise, to urge upon the people of the state a revision of the Constitution and Laws, along the lines of the Committee's recommendation.

Adopted by the Association.

By Adolph Sloman, of Detroit:—

Resolved, that this Association recommends that Section 42, of Act No. 204 of the Public Acts of 1901, in so far as it exempts contributing members enrolled in companies of the Michigan National Guard, from jury service, be repealed, and requests its Committee on Legislation and Law Reform to use its efforts towards securing such repeal.

Adopted by the Association.

By Adolph Sloman, of Detroit:—

Whenever on a preliminary or ex parte hearing, an injunction shall be granted or a receiver appointed, the effect of which is to dispossess a party of his property or the beneficial use thereof, or which shall work irreparable injury thereto, the party so affected shall be entitled before final hearing to obtain a review in the Supreme Court of such order by writ of mandamus.

Referred to Committee on Legislation and Law Reform, by the Association.

By A. C. Denison, Grand Rapids.

Resolved:—

That this Association appreciates the efforts of the local bar for our entertainment at this session, and most heartily thanks the local association and its individual members for all that has been done to promote an exceptionally successful meeting.

Adopted by the Association.

BANQUET.



AT THE BANQUET BOARD.

BANQUET

WEDNESDAY EVENING, 9 O'CLOCK,
AT ELK'S CAFE.

A complimentary banquet was tendered to the members of the Association by the Kalamazoo Bar Association, under the direction of the following local committees:—

Executive: Hon. W. G. Howard, Dallas Boudeman, N. H. Stewart, A. J. Mills.

Banquet: N. H. Stewart, Chas. H. McGurrin.

Reception: Hon. W. G. Howard, A. M. Stearns, J. W. Osborn, N. H. Stewart, F. E. Knappen, S. F. Master, Chas. H. McGurrin, H. C. Jackson, A. J. Mills, E. M. Irish, Dallas Boudeman, A. S. Frost, J. L. Hollander, J. W. Adams, J. E. White, C. S. Carney.

Col. E. M. Irish presided as toast-master. Unfortunately, the remarks made at the banquet were not taken down, stenographically, and we are unable to reproduce the witty and graceful remarks of the toast-master. For the same reason we are unable to reproduce the able and striking remarks of Hon. McGeorge Bundy, of Grand Rapids, who responded to the toast "The Lawyer Citizen," and are able to reproduce only a brief abstract of Judge Palmer's address, "The Legalized Citizen."

The other assigned toasts were: "The Judiciary," and "Law and Practice in the Philippines," and were responded to by Hon. A. V. McAlvay, and Hon. E. F. Johnson, respectively, as given on the pages following:

THE JUDICIARY.

HON. A. V. McALVAY.

Associate Justice, Michigan Supreme Court.

Gentlemen:—To be selected without one's knowledge or consent to respond at the annual banquet of this Honorable Body, and without other notice than that supplied by the daily press is an honor I am persuaded that few can claim. To have a sentiment, in the same way provided is certainly a novel and happy solution of how to avoid on the part of the victims, the weariness of flesh and vexation of spirit which follow the customary method of procedure in such cases. I am informed that the fundamental law of your association makes provision for notice by publication in certain cases.

The application of this provision to the case at bar, although a notable departure from the ordinary practice, may be considered as a refutation of the claim that in our profession there is always a hesitation to take action without being able to cite authority as a precedent.

Taking some liberties with the subject assigned, in the brief time I will occupy in speaking I shall confine myself to a few practical suggestions relative to a matter, which, if adopted by the profession, would enable them so to present their cases before the Supreme Court that its labors will be made more pleasant and less burdensome, and consequently the quality of the work of the Judges of a more finished and satisfactory character.

Your attention is challenged to the fact that in many of the cases brought to our Supreme Court for review the records are unnecessarily voluminous. Although the matter of record relied upon may be specifically designated by one side, the opposite party will insist that a careful examination of the entire record will be necessary in order to determine properly the questions raised, expressing the hope that such course will be taken. This hope is often expressed in terms not indicative of an abiding faith.

This criticism applies equally as well to law as to chancery cases, and these voluminous records in law cases are by far the hardest to master. Some of them appear to have been tried with the purpose of objecting and excepting to everything in the trial, and to ascertain later whether reversible error has been committed.

To illustrate further this condition let me add that during

the current year just closed the Court has had submitted to it printed matter equal in amount to about 150 volumes of the Michigan reports, and this does not include the great number of motions in manuscript which have been presented to the Court upon arguments or briefs.

The above statement without comment is sufficient to bring to the understanding of the profession the added burden of work thus unnecessarily placed upon the members of the Court, it being appreciated that each member sitting in a case is obliged to qualify himself to discuss and determine it by an exhaustive study of its record.

What has been said does not by any means apply to all cases before the Court. Many cases must of necessity require large records and some records are models for brevity and clearness. At a glance almost the questions involved and the matter of record bearing upon those questions are comprehended by the investigator, and he begins his work with the satisfactory feeling that it is already half accomplished. All because, wisely and intelligently, the husks of the case have been stripped off, and the kernel presented for the consideration of the Court. Although the condition I have referred to is serious it is by no means hopeless. The questions involved in any one case are not numerous. An examination of reported cases will show an average of not more than two or three. With his case in hand the lawyer who tries it knows the crucial questions involved. What use then to accumulate testimony or waste time in useless cross-examination? What avail are objections and exceptions, unless they count in the score of the contest on hand? Husks and chaff may look formidable, but they lack sustenance.

As soon as may be after the trial properly conducted, the attorney if he has a meritorious case, and while everything is fresh in mind, can in one half hour dictate the material parts of a bill of exceptions which will be of as much or more value to him than a week's work put upon it later. Whether he makes it sooner or later, he should ever keep in mind that the Appellate Court requires substance not shadow. Turn to most of these large records, and find from 50 to 500 and more pages of testimony of witnesses, given complete as taken by the official stenographer, while invariably all the testimony of any witness necessary to be quoted is included in a few sentences.

In Chancery causes the entire record as made in the Court below is returned and printed upon an appeal. The testimony with the objections comes to this Court in extenso. It is a hearing de novo, Under the law as it has stood for many years I do not understand why this is necessary. By statute "Either party shall be entitled to make and settle a case setting forth in substance all the evidence

taken or read at the hearing, following as far as practicable the making of cases for review at law." It would seem that the enactment was for the purpose of relieving the party from the expense of a great record, and the Court from the burden of considering anything but the substance of all the evidence.

The practice of following the spirit of this statute is to be commended. It would decrease the chancery records at least one-half, to the great relief of the solicitors as well as the Court.

What has been said is for the sole purpose of calling attention to a matter which without doubt has escaped the attention of many members of the bar.

I bespeak a candid consideration of these suggestions in the interest of the profession of the State. The skilled artisan of any craft or art produces the most finished product by the use of the best working tools of his profession. No less in the field of ascertaining and stating the law do the best helps aid in securing the most desired results.

THE LEGALIZED CITIZEN.

Hon. L. G. Palmer, Circuit Judge.

I do not seek in my brief discussion of the subject assigned me to sound any unnecessary alarm to arouse our people to violent agitation or action, but that prompt measures be taken to guard any and all weak points along our borders goes without saying. Our immigration laws are too lax by far and it is only by firm, restrictive legislation that we can check a growing evil and a positive menace to our institutions; and, with all our public men in high places, to whom we look for deliberate counsel and firm action in time of internal or international dispute or agitation, affecting as as a united liberty loving people.

Unsifted, and practically unguarded, immigration may well cause us to call a halt and to consider whither we are tending; are we strengthening the great bond of American citizenship or weaving a rope of sand.

Are we inviting the world to a "dumping ground," so to speak, where may be unloaded, without restraint, the off-scouring of all creation, the uneducated, the vicious, the diseased and criminal classes. It is true that we are gaining ground in this direction but all too slow, for the positive need of the hour. In a word, we are poisoning the very air that floats our flag by our failure to place a sentinel on guard at every landing place, with a right to say, and with ample power to enforce it, "who comes here."

The boys in blue paved the way for such safeguard, by compelling the advocates of secession and slavery to bend over a bayonet and whisper the word of confidence and safety, before dangerously approaching the dividing line, much less to cross it.

It is too late to check an invasion after we are overrun, which invasion is at the astounding rate of more than a million a year. We may remove the cause itself, but the effect of it, never. I suggest that our ministers in all foreign ports be empowered to require satisfactory proof of good character, loyal and laudable purpose, and patriotic resolve, on the part of every person, of suitable age, who seeks admission, and, finally full citizenship, in the purest and grandest government in the world. Further, that he procure the great seal of the country he seeks to abandon, testifying that he is a peaceful and law abiding subject; let our minister be satisfied that the

applicant has a sufficient knowledge of our form of government so that we may be assured that he seeks to better his condition by seeking an asylum or house of refuge in coming to a "Government of the People by the People and for the People."

Then he should come on probation only, and never be permitted to cast a ballot until he has acquired a sufficient knowledge of our language to enable him to read and comprehend our constitution, the great bulwark of our liberty.

(The above is a brief abstract of Judge Palmer's address, no manuscript having been preserved).

LAW AND PRACTICE IN THE PHILIPPINES.

Hon. E. Finlay Johnson,

Associate Justice of the Supreme Court of the Philippine Islands

Fellow Countrymen and Members of the Michigan State Bar Association:

It affords me great pleasure to be with you on this occasion. One who has never traveled abroad, and who has not been compelled to associate with foreigners,—with people of different sentiment, different characteristics, different ideas,—can scarcely appreciate the joy that comes to the soul of one, who has been thus situated, upon his home coming. During the past five years I have been connected with the Judiciary of the Philippine Islands. I went there at a time when the Islands were occupied by the militia of the United States Government. I was there upon that glorious Fourth of July, 1901, when, by a proclamation of President McKinley, peace was declared in that Pearl of the Orient, and that fearless statesman, Judge William H. Taft, became the first civil governor. What a fearless man Judge Taft is. What a statesman he has demonstrated himself to be. I presume there is no instance in all history where a man of one nation was sent among the people of another to govern them, with entirely different traditions, who became so popular with that people as did Judge Taft with the Filipino people. They called him the great white father. They were sorry, indeed, when he left them and would rejoice in his return. They would gladly make him their king. I wish that every American boy and girl could come in contact with him,—the high minded statesman.

On the 17th of June, 1901, the United States Philippine Commission passed an act creating a judicial system for the Philippine Islands. Under that act courts of Justice of the Peace, courts of First Instance (corresponding to the Circuit Courts of Michigan) and a Supreme Court was established. On the same day judges who had been previously appointed to the Supreme Court and to the Courts of First Instance, took the oath of office and at once assumed their respective duties. Thus was established and put in operation a judicial system upon an American basis for a people, oppressed in many ways, and who had come to believe that justice administered by the Courts was only given to those who had either the most influence or the most money. Since that day, Courts, a majority of

which have been presided over by American Judges, have been established in every province throughout that great expansive territory.

I will not take up your time to relate to you the many severe charges made by the Filipino people against the Spanish Judiciary.

On the 1st day of October, 1901, by an act of the United States Philippine Commission a code of procedure was adopted under which all of the courts of the Philippine Islands have been operating since that date. Prior to this date, under the American occupation, the procedure was that of the Spanish Courts. This was found entirely too cumbersome and caused too many delays and, therefore, the new system was put into operation.

The new code of procedure of the Philippine Islands was largely the work of Judge Henry C. Ide, the present Governor of the Philippine Islands in connection with Judge Taft. The new code does not follow that of any of the states of the United States, it is a compilation of what its framers believe to be the best provisions of them all. This code of procedure was made so plain and so simple that even the Filipino judges and lawyers could easily understand its provisions. Under the provisions of this code, causes are commenced, proceeded with and terminated, much as causes are dispatched in the courts of the states of the United States.

Justices of the Peace of the Philippine Islands are appointed by the Governor General and confirmed by the United States Philippine Commission. The jurisdiction and procedure in courts of Justices of the Peace is so nearly like that of the State of Michigan, that I shall not take up your time to note the difference. There is a Justice of the Peace for every town; the Justices of the Peace are all Filipinos.

The Philippine Archipelego is divided into forty-three provinces, which correspond to the counties in the State of Michigan. These provinces, however, are much larger than the counties. These provinces are divided into sixteen Judicial Districts, with one or more judges in each district; four judges are allotted to the District of Manilla. Besides the regular judges assigned to each district there are four judges at large, whose duty it is to travel throughout the Island and assist the judges who are behind with their work or to perform the regular work of the District during the absence or sickness of the regular judge. About one-half of the judges of the Court of the First Instance are Filipinos, and it affords me great pleasure to say to you that the work of these Filipino judges is about as satisfactory as the work of the American judges. No word of suspicion has ever been uttered against them, either by Americans in the Philippine Islands, or by the Filipinos themselves.

The Jurisdiction of the Courts of First Instance is quite similar to that of the Circuit Courts of the State of Michigan.

The Supreme Court is composed of seven men, appointed by the President of the United States, and at present three are Filipinos and four Americans. The Chief Justice is a Filipino. The jurisdiction of the Supreme Court is appellate only, except in extraordinary legal and equitable causes.

All causes originally commenced in the Court of First Instance are appealable to the Supreme Court. The method of appeal is very simple. However, the questions which the Supreme Court may consider on appeal vary materially with the method of bringing the cause to that court. In some cases the appellant may have the entire record examined by the Supreme Court. In other cases the Supreme Court may only examine the facts and conclusions of the decision of the inferior courts. While in others the Supreme Court may only examine into the particular errors specially assigned by the appellant. Under the code of procedure the judge of the Court of First Instance is required to submit his decision to writing with a full finding of facts upon which he bases his conclusion. If the appellant is satisfied with the finding of the facts, but claims that the conclusion is not justified, he may bring his cause to the Supreme Court and have that court declare whether or not the inferior court has applied the law correctly to the facts thus found. If, however, the appellant is dissatisfied with both the finding of facts and the conclusions of law, he may make a motion for a new trial in the inferior court and if this is denied him, he may then bring the entire records to the Supreme Court. When the cause, in this form, reaches the Supreme Court, it may examine the records, make a finding of facts of its own, and apply the law. This latter method of appeal, as applied to common law cases, in my opinion, is of great advantage to parties litigant. In criminal causes, in case of appeal, the entire record always comes to the Supreme Court, unless, by special agreement of attorneys, specific questions are submitted. In criminal causes, the Supreme Court always makes a finding of facts of its own.

In all cases the Supreme Court may affirm, modify or reverse the judgment or sentence of the inferior court. The Supreme Court, however, possesses one power which is not possessed by any court in the United States. It may increase the penalty imposed by the inferior court, as well as to diminish it. The Supreme Court may change a penalty from a fine to imprisonment. It may change a sentence of a period of years of imprisonment to the penalty of death. This power was denied by a considerable portion of the Filipino Bar and a test case was taken to the Supreme Court of the

United States and there this power of the Supreme Court of the Philippine Islands was confirmed.

All cases in the Nisi Prius Courts are tried by the Court without the intervention of a jury. American lawyers practicing in the Philippine Islands insisted upon the right of trial by jury, upon the theory that the Constitution of the United States followed the flag, and the jury was demanded in many cases and denied by the court. A test case was carried to the Supreme Court of the United States and there the decision of the Supreme Court of the Philippine Islands was affirmed, and the right of trial by jury was denied, upon the ground that the act of Congress organizing the Philippine territory, did not contain that provision of the bill of rights of the Constitution of the United States, guaranteeing the right of trial by jury. Thus again, the Supreme Court of the United States decided that Congress may organize territories of the United States Government under such provisions and regulations as it deems wise and expedient—that Congress may extend the whole or any part of the Constitution to territories of the United States—that the people of the territories of the United States are not ipso facto entitled to the privileges and rights guaranteed by the Constitution—that they must be governed and controlled by acts of Congress. There has been a great deal of complaint by certain people in the United States because the right of trial by jury, guaranteed by the Constitution of the United States, was not given to the Filipino people. I feel that I am not digressing when I say that the Constitution of the United States does not guarantee to the people of the State of Michigan, nor to the people of any other state, the right of trial by jury. The Constitution of the United States does not follow the flag into any of the territories of the United States. The Constitution never existed, as such, in the territory of Utah, nor in any of the other territories of the United States. The provisions of the Constitution of the United States which were made applicable in those territories were simply acts of Congress and not constitutional provisions.

I must say, however, before leaving this subject that while parties litigant cannot demand juries, they may demand assessors. These assessors may be laymen, and usually are; they sit with the judge and assist him in the trial of the cause. They are only advisory. The opinion of the trial judge is final as to the assessors. If, however, the assessors reach a different conclusion from that of the judge, this fact, together with the difference, must be stated in the opinion. The assessors may also file with the opinions their conclusions. It is the duty of the judge to file with the clerk, on or before the 1st day of January of each year, the name of twenty-four good loyal and true men, who may be called upon to act as assessors during that year. In any case, where the parties litigant demand assessors,

these twenty-four names are written upon a piece of paper and the parties litigant, alternately, cross off one until but two remain; these two constitute the assessors in that particular cause.

The courts of the Philippine Islands have been very busy during the past five years. They found the dockets overcrowded with business which had accumulated during the five years of insurrection and of internal dissention which had preceded the organization of the American Courts. The causes, during the first two years of the American administration, were largely criminal; during the past three years the Courts of the Philippine Islands have been called upon to pass upon some very important questions. If I should be permitted to speak with reference to the importance of the causes, having in mind their pecuniary importance, I would say that during the past three years they have been equal to those brought to the attention of the Courts in this state.

I am sure that you would be disappointed if I did not upon this occasion say something to you of the Filipino himself.

The educated Filipino is a most refined gentleman; his ethics are of the highest order. He is gentle, patient and exceedingly considerate of the rights and welfare of his associates. There are in the Philippine Islands over 400 Filipino lawyers and I know of many who would do credit to the bar of any country. It was my good fortune, while a member of the Law Faculty of the University of Michigan, to be associated with that peerless lawyer Thomas M. Cooley, as well as with Dr. High, Judge Hammond, Prof. Mechem, Prof. Bogel and others, and I am compelled to say that the Chief Justice of the Supreme Court of the Philippine Islands is second to none of them. He is wise, thoroughly informed in all systems of jurisprudence; with a capacity to briefly and precisely and exactly state propositions of law, excelled by none whom I have ever known. He speaks and writes Latin with the same ease with which he speaks his native tongue. Two years ago the University of Yale conferred upon him the degree of Doctor of Law. While I have thus glorified the abilities and attainments of the Chief Justice, I do not desire thus to detract the least from the ability and dignity of my other Filipino associates.

The Philippine Islands are composed of a territory equal in extent, almost, to the states of Kentucky, Ohio and Michigan, with a population of 7,500,000. The Islands of Luzon and Mindanao are each larger than the State of Michigan. Each large enough, with a population sufficient, when its population is sufficiently trained and educated, to make a state that shall some day, I hope, add a star to the now glorious union.

The soil of the Philippine Islands is exceedingly rich and fertile; still virgin; producing hemp, sufficient to supply the world, and sugar,

tobacco, coffee and rice. When I say the soil of the Philippine Islands is yet virgin I mean to say, even though it has been farmed for 350 years, nothing but the surface has been cultivated.

When the Americans took possession of the Philippine Islands there scarcely existed, in that great expansive territory, a public school house in which the children might enter freely and be taught those things so essential to good citizenship; but today, my countrymen, there exists in every town throughout the Philippine Islands an American school; housed in a house built by the American Government in the Philippine Islands, or one rented and paid for by the American Government there; under the supervision of an American, where every child of lawful age may enter without price and be taught those things so essential to life and a high order of civilization.

Last year hundreds of thousands of Filipino boys and girls were taught English in those schools. During the past five years there has been a school in the City of Manilla, for the special training of teachers, and today there are scattered throughout the Philippine Islands something like 5,000 Filipino teachers who are teaching English. Everywhere you go the little fellow is able to speak English to you. The Filipino parent is just as anxious as an American parent for the future of his boy or girl. I happen to know a number of Filipino parents who have children in American schools today. I wish, my countrymen, that you might have heard, as I heard, the parental words, laden with anxiety, which a number of those Filipino parents gave me upon leaving the Philippine Islands a few weeks ago, to carry to their children here. One mother, who has a boy in the University of Michigan, and four other children with her at home, said to me, the day before I left Manilla, "You tell my boy that I am very poor, that I scarcely know one day where my food is to come from for the next, but that if he is willing to work, I want him to remain there in school until he becomes thoroughly imbibed with the spirit of civilization and that I will get along with my other children somehow." Doesn't this sound much like the words of an American mother?

Much has been said in the United States concerning the independence of the Philippine Islands. In a way they are independent. The municipal governments, throughout the Philippine Islands, are governed absolutely by the Filipinos, under American laws. The people in the municipalities elect their mayor, their treasurer, their councilmen, appoint their policemen, preserve order, maintain peace, levy their taxes, and expend their money collected just as the municipalities in the State of Michigan do.

The provincial governments are under the control of three men. One, the governor, elected by the people of the province; the other

two, the supervisor and the treasurer, are appointed by the United States Philippine Commission. Under the law the supervisor must be an engineer. Up to date Filipinos have not been found with sufficient engineering ability to perform the duties of provincial supervisors, and therefore, of necessity, others than Filipinos have been selected for this responsible position.

The mayor of the city of Manilla is a Filipino, and a splendid man he is. You will thus see that the Filipinos are practically governing themselves today; but, shall they be independent from the controlling influence of the United States Government? Did the United States Government permit the people of the territory of Utah to govern themselves without the controlling influence of the central government of the United States? Did not the central government of the United States insist upon controlling the people of that territory as well as the other territories of the United States? The central government of the United States sent worthy and high minded men into that territory, as well as the others, for the purpose of assisting in the moulding of public sentiment in Utah and the other territories until such a time as that public sentiment was educated up to a point when the central government believed that the people were able and capable of maintaining it, before the government was turned over to them.

There are many vices, social and moral, existing among the Filipino people today. These vices and low morals are due to their former training and environments. Are the people of the United States who are held responsible, in a way, for the character of the government and the education of the Filipino people willing to cut them adrift and allow them to attempt to build up a government with these cancers existing in society, without lending a helping hand, and, in a way, enforcing the American civilization? Are the American people willing to turn the intermediary schools of the United States over to the children who are found in them? I believe that the American people will never consent to turn over to the Filipino, without the restraining hand and guiding influence of the American Government, that government, until they are sure that he is educated up to a point where he will continue, and permanently maintain, a civilization such as we have and enjoy at home.

There is nothing in all history concerning the occupation of the country of one people by that of another which has been so magnanimous in spirit, and which has been so charitable in the expenditure of money among the foreign people as the government of the United States, in its relation with the people of Cuba, Puerto Rico and the Philippine Islands. The purpose of the United States government in the Philippine Islands, as well as in its other foreign territories, has been for civilization.

The American Government has, in the hands of the Divine Providence, as I believe, extended its power and influence to various benighted peoples, for purposes of civilization and christianization, and the elevation of those people. The American Government in the Philippine Islands is making men and woman. It is not measuring its success by the number of dollars that they may pour into its coffers, but by the number of men and woman to whom it may extend the advantages of the higher civilization of the twentieth century.

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HENRY M. BATES	Ann Arbor

SUBJECTS REFERRED TO VARIOUS COMMITTEES. (1906.)**TO THE COMMITTEE ON LEGISLATION AND LAW REFORM.**

1. To secure repeal of "Change of Venue Law of 1905." (See President's address, 1906, and motion thereon.)

2. To prepare and urge the passage of a bill providing for the appointment of a commission, by the state legislature, to revise the statutes on specific subjects. (Revisions similar to the Negotiable Instruments Law as it pertains to the law of commercial paper.)

(See report of Committee on Legislation and Law Reform, 1906.)

3. To investigate delay in publishing Michigan Reports. (See Report of Committee on Legislation and Law Reform, 1906.)

4. To consider and act upon question of appeals and certiorari from Justices' Courts, and appeals from Circuit Courts.

(See President's address, 1906, and Report of Committee on Division and Reference, 1906.)

5. For consideration and action, question relating to jurors, in Circuit Courts.

(See President's address, 1906, and Report of Committee on Division and Reference, 1906.)

6. To endeavor to secure repeal of act No. 204, Public Acts 1901, in so far as it exempts contributing members in Michigan National Guard from jury service.

(See Resolution, 1906, by Mr. Adolph Sloman, Detroit.)

7. To investigate and report at next meeting of Association, in regard to preliminary injunctions and receiverships.

(See Resolution, 1906, by Mr. Adolph Slonnan, Detroit.)

COMMITTEE ON LOCAL AND SPECIAL LEGISLATION.

(Special Committee composed of Frank S. Pratt, Bay City, chairman, and two additional members, to be appointed by President.)

1. To make public the 1906 report of this committee and urge people of state to amend constitution of state in accordance with such committee's recommendations.

(See Resolution, 1906, by Hon. P. T. Van Zile, Detroit.)

**SPECIAL COMMITTEE OF THREE MEMBERS, TO BE APPOINTED
BY THE PRESIDENT.**

1. Consideration of compensation to official stenographers.
(See President's address, 1906, and report of Committee on Division and Reference, 1906.)

**SPECIAL COMMITTEE OF THREE TO BE APPOINTED BY
THE PRESIDENT.**

1. Question relating to practice in Probate Courts.
(See President's Address, 1906, and Report of Committee on Division and Reference, 1906.)

SPECIAL COMMITTEE OF FIVE.

1. To investigate and report at the next meeting, question relating to costs in the Federal Courts.
(See President's Address, 1906, and Report of Committee on Division and Reference, 1906.)

**SPECIAL COMMITTEE OF FIVE MEMBERS AND PRESIDENT, TO
BE APPOINTED BY PRESIDENT.**

1. Act No. 89, page 120, Public Acts of 1905, remeasure of damages in personal injury cases, with power to act.
(See Report of Committee on Legislation and Law Reform, 1906.)
2. The changes in law recommended by Judge Sharpe in his address "Directing a Verdict." (pp. 55-7, Mich. Bar Ass'n proceedings, 1905), with power to act.
(See Report of Committee on Legislation and Law Reform, 1906.)

**SPECIAL COMMITTEE OF THREE, TO BE APPOINTED
BY PRESIDENT.**

1. To report at next meeting relative to incorporation of our Association.
(See President's Address, 1906, and Report of Committee on Division and Reference, 1906.)

REFERENCES TO SECRETARY.

1. To forward each member of 1907 legislature, copy of resolution, reconstitutional convention.
(See Resolution, 1906, by Mr. A. J. Lacy, of Clare.)
2. To send copy of 1906 proceedings to every member of bar of Michigan.
(See motion by Judge Van Zile.)
3. To collect contributions for Christianity memorial.
(See motion by Judge Van Zile.)

ALPHABETICAL LIST OF MEMBERS.

A

Abbott, Fred H.....Crystal Falls
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Alexander, Chas. T.....Detroit
Alexander, Geo. L.....Grayling
Alexander, W. B.....Adrian
Allor, Elmer L.....Detroit
Anderson, David.....Paw Paw
Anderson, John W.....Detroit
Andrews, Bishop E..Three Rivers
Angell, Alexis C.....Detroit
Antisdell, John P.....Detroit
Arthur, Jesse.....Battle Creek
Avery, Lincoln.....Port Huron

B

Backus, Ella M....Grand Rapids
Badgely, Clyde.....Jackson
Baker, F. A.....Detroit
Baker, Orla H.....Muskegon
Baldwin, Clark E.....Adrian
Ball, Dan H.....Marquette
Bancker, Enoch.....Jackson
Barbour, Levi L.....Detroit
Barkworth, T. E.....Jackson
Barnett, J. F.....Grand Rapids
Bates, Geo. W.....Detroit
Bayne, James H.....Detroit
Beach, Emmet L.....Saginaw
Beach, Watson.....Lexington
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Beaver, Theo. G.....Niles
Beckwith, L. G.....Bay City
Belden, Wm. P.....Ishpeming
Bennett, A.....Adrian
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Bodman, Harry E.....Detroit
Boltwood, Lucius...Grand Rapids
Bope, Wm. T.....Bad Axe

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Bowen, Herbert.....Detroit
Bowers, Varnum J..Mt. Clemens
Bowman, E. J.....Greenville
Boynton, Herbert E.....Detroit
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Brown, Geo.....Flint
Brown, H. B..Washington, D. C.
Brown, J. Earle.....St. Johns
Brown, Michael.....Big Rapids
Brown, W. E.....Lapeer
Browne, Thos. W.....Kalamazoo
Bulkley, Harry C.....Detroit
Bundy, McGeorge..Grand Rapids
Bunker, R. E.....Ann Arbor
Bunting, A. F.....Empire
Burrett, W. A.....Hancock
Bush, Mathew.....Corunna
Butler, T. Jefferson.....Detroit
Butterfield, O. E.....Detroit
Butterfield, R. W...Grand Rapids
Butzel, Henry M.....Detroit
Byers, I. W.....Iron River

C

Cahill, Edward.....Lansing
Campbell, Arthur D.....Detroit
Campbell, Chas. H.....Detroit
Campbell, C. P.....Grand Rapids
Campbell, Gordon R....Calumet
Campbell, Henry M.....Detroit
Campbell, Jas. H...Grand Rapids
Canfield, F. H.....Detroit
Carpenter, Wm. L.....Lansing
Carpenter, Wm.....Muskegon
Carton, John J.....Flint
Cavanaugh, H. W.....Homer
Cavanaugh, Thos. J....Paw Paw
Chadbourne, T. J.....Houghton
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Chadwick, Wm. E.....Hilldale
Chamberlain, Robt. M....Detroit
Champion, Chas. U.....Coldwater

Chandler, A. L.....Corunna
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 Chappell, Fred L.....Kalamazoo
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 Collins, Chester, L.....Bay City
 Collins, L. H.....Detroit
 Collins, W. A.....West Bay City
 Constantine, S. M.....Three Rivers
 Cook, H. T.....South Haven
 Cook, Geo. W.....Flint
 Cooley, E. A.....Bay City
 Coolidge, Orville W.....Niles
 Corwin, Benn M.....Grand Rapids
 Couch, John A.....Sault Ste. Marie
 Coutts, W. A.....Sault Ste. Marie
 Covert, Arthur H.....Detroit
 Cowles, Israel T.....Detroit
 Crane, Albert.....Grand Rapids
 Crane, E. A.....Kalamazoo
 Crane, Wm. E.....Saginaw, W. S.
 Creswell, Harry L.....Grand Rapids
 Crocker, Martin.....Mt. Clemens
 Crosby, Frank N.....Detroit
 Cross, Chas. B.....Muskegon
 Culver, Adelbert.....Albion
 Cummins, Alva M.....Lansing
 Cummins, Geo. J.....Harrison

D

Danaher, M. B.....Ludington
 Davies, Jas. B.....Corunna
 Davis, F. D. M.....Ionia
 Davies, Geo. W.....Saginaw
 Davis, H. C.....Traverse City
 Davitt, James H.....Saginaw
 Day, A. G.....Newaygo
 Denby, Edwin.....Detroit
 Denison, Arthur C.....Grand Rapids

Dennison, Edward J.....Marshall
 Dickinson, Don M.....Detroit
 Dickinson, J. G.....Detroit
 Diekema, G. J.....Holland
 Dodds Francis H.....Mt. Pleasant
 Donahue, C. F.....Munising
 Donnelly, James.....Bay City
 Donnelly, John C.....Detroit
 Dooling, John C.....St. Johns
 Doran, Peter.....Grand Rapids
 Douglas, Samuel T.....Detroit
 Drury, Horton H.....Grand Rapids
 Duffield, Henry M.....Detroit
 Duffy, James E.....Bay City
 Duffy, John L.....Ann Arbor
 Dunnebacke, Jos. H.....Lansing
 Durand, C. A.....Flint
 Durand, L. T.....Saginaw
 Durfee, Edgar O.....Detroit

E

Earl, Otis A.....Kalamazoo
 Eastman, L. D.....Menominee
 Eldredge, A. B.....Marquette
 Ellis, A. A.....Ionia
 Emerick, Frank E.....Saginaw
 Emery, Alex.....Buchanan
 Emmons, Harold, H.....Detroit
 Erskine, Byron R.....Mt. Clemens
 Erwin, David D.....Muskegon

F

Farr, George A.....Grand Haven
 Fellows, Grant.....Hudson
 Field, Geo. S.....Detroit
 Finnegan, J. T.....Hancock
 Finney, J. W.....Detroit
 FitzGerald, Gerald.....Grand Rapids
 Fitzpatrick, W. G.....Detroit
 Flannigan, R. C.....Norway
 Flowers, Charles.....Detroit
 Foster, Chas. W.....Lansing
 Fowler, Frank L.....Manistee
 Fowler, George B.....Detroit
 Fox, George R.....Bay City
 Fox, Wm. D.....Detroit
 Frazer, R. E.....Detroit
 Free, A. L.....Paw Paw
 Freeman, A. F.....Ann Arbor
 Freeman, F. M.....Manchester
 Freeman, Henry B.....Munising
 Fuller, C. C.....Big Rapids
 Fuller, Wm. D.....Grand Rapids
 Fyfe, L. C.....St. Joseph

G

Gaffney, F. O.....Lake City
 Gage, Chauncey H.....Saginaw
 Galbraith, Wm. J.....Calumet
 Gallup, Geo.....Escanaba
 Gardner, Henry M.....Lansing
 Gardner, L. B.....Lansing
 Gates, Jasper C.....Detroit
 Gillett, H. M.....Bay City
 Gleason, Clark H.....Grand Rapids
 Gleason, John M.....Port Huron
 Goff, John H.....Detroit
 Golden, C. A.....Monroe
 Gordon, Wm. D.....Midland
 Goss, Dwight.....Grand Rapids
 Grant, C. B.....Lansing
 Gray, Robt. T.....Detroit
 Gray, Wm. J.....Detroit
 Griswold, N. O.....Greenville
 Groesbeck, A. J.....Detroit
 Grove, Wm. E.....Grand Rapids
 Guise, Frank P.....Detroit

H

Haire, Norman W.....Houghton
 Hall, DeVere.....Bay City
 Hamilton, Burritt...Battle Creek
 Handy, S. T.....Sault Ste. Marie
 Hanson, Winfield S.....Hart
 Hatch, Reuben....Grand Rapids
 Hatch, W. B.....Ypsilanti
 Hawley, R. A.....Grand Rapids
 Heald, Henry T....Grand Rapids
 Heineman, D. E.....Detroit
 Helfman, Harry.....Detroit
 Hendee, J. B.....Eaton Rapids
 Hendryx, Coy W.....Dowagiac
 Hewitt, Adolphus E.....Jackson
 Hewitt, John C.....Bay City
 Hitchcock, Chas. W.....Bay City
 Hoffman, Henry.....St. Ignace
 Holden, L. C.....Sault Ste. Marie
 Holmes, Glenn W....Grand Rapids
 Hooker, Frank A.....Lansing
 Hooker, Harry E.....Lansing
 Hooper, Jos. L.....Battle Creek
 Hopkins, Chas. C.....Lansing
 Hopkins, Joel C.....Battle Creek
 Hosmer, Geo. S.....Detroit
 Hovey, Cyrus A.....Port Huron
 Howard, Harry C.....Kalamazoo
 Howard, W. G.....Kalamazoo
 Hoyt, Hobart B.....Detroit
 Hoyt, H. J.....Muskegon

Hoyt, Wm. E.....Muskegon
 Humphrey, Charles M..Ironwood
 Humphrey, Leonard T..Coldwater
 Humphrey, Watts S.....Saginaw
 Hutchins, Harry B....Ann Arbor
 Hyde, Wesley W....Grand Rapids

I

Irish, E. M.....Kalamazoo

J

James, Delbert C.....Detroit
 Jacokes, James A.....Pontiac
 January, W. L.....Detroit
 Jenkins, Frank E.....Oxford
 Jenks, W. L.....Port Huron
 Jenney, Wm. S.....Mt. Clemens
 Jewell, Harry D....Grand Rapids
 Jewett, Henry R.....Adrian
 Johnson, A. W.....Grand Rapids
 Jones, Arthur.....Detroit
 Jones, Frank E.....Ann Arbor
 Jones, John.....Ontonagon
 Jones, Walter C.....Marcellus
 Joslin, Theo. M.....Adrian
 Joslyn, Lee E.....Bay City

K

Kelly, Ronald.....Detroit
 Keena, James T.....Detroit
 Keeney, Willard F..Grand Rapids
 Ketcham, Clyde W....Dowagiac
 Kilbourne, S. L.....Lansing
 Kilpatrick, Wm.....Owosso
 King, Robt. L.....Bay City
 Kingsley, Willard..Grand Rapids
 Kinnane, J. E.....Bay City
 Kinnane, Jas. H.....Dowagiac
 Kinne, E. D.....Ann Arbor
 Kirkby, Elmer.....Jackson
 Kleinhans, Jacob...Grand Rapids
 Knappen, F. E.....Kalamazoo
 Knappen, Loyal E..Grand Rapids
 Knight, Seth W.....Mt. Clemens
 Knowles, R. D.....Jackson

L

Lacy, A. J.....Clare
 Ladd, S. W.....Port Huron
 Lane, Victor H.....Ann Arbor
 Lane, Wm. P.....Detroit
 Landman, Wm. J....Grand Rapids
 Landon, Geo. M.....Monroe
 Langley, Jas. P.....Detroit
 Larwill, Henry L.....Adrian

Larson, Oscar J.....Calumet
Lawrence, J. S....Grand Rapids
Lee, Ed. S.....Flint
Lemkie, Felix A.....Detroit
Lighter, Clarence A.....Detroit
Lockwood, H. A.....Monroe
Loranger, U. R.....Bay City
Loud, Edw.....Albion
Lovelace, Geo. S.....Muskegon
Lowell, Dwight N.....Romeo
Lucking, Alfred.....Detroit
Ludlum, R. M.....Battle Creek
Luton, Geo.....Newaygo
Lyon, Edwin H.....St. Johns

Mc

McAllister, J. T....Grand Rapids
McAlvay, A. V.....Lansing
McBride, Charles S.....Holland
McCall, A.....Ithaca
McCall, Lyman, H.....Charlotte
McCall, R.....Ithaca
McCallum, G. P.Sault Ste. Marie
McCarthy, John J.....Standish
McCurdy, John T.....Corunna
McDonald, Chas S.....Detroit
McDonald, Jas. H.....Detroit
McDonald, J. S....Grand Rapids
McDonald, M. F..Sault Ste. Marie
McDonald, Wm. J.....Calumet
McGregor, Malcolm.....Detroit
McHugh, Philip A.....Detroit
McIntyre, D. E.....Cadillac
McKay, John A.....Saginaw
McKnight, Wm. F..Grand Rapids
McNabb, Duane T.....Bad Axe
McPherson, Charles.....Detroit

M

MacDonald, R. J.....Muskegon
MacKay, John D.....Detroit
Maguire, Arthur D.....Detroit
Maher, Edgar A....Grand Rapids
Manchester, Wm. C.....Detroit
Mapes, Carl E....Grand Rapids
Marsh, E. J.....Big Rapids
Marsh, Pliny W.....Detroit
Mason, W. L.....L'Anse
Master, Sheridan F....Kalamazoo
Maybury, Wm. C.....Detroit
Maynard, Fred A....Helena Mont.
Maynard, Horace S....Charlotte
Merrick, Benj. P....Grand Rapids
Miller, A. E.....Marquette
Miller, Frederick C...Mt. Clemens

Miller, Sidney T.....Detroit
Mills, Wade.....Detroit
Mills, A. J.....Kalamazoo
Miner, John W.....Jackson
Monaghan, Geo. F.....Detroit
Montgomery, R. M.....Lansing
Montgomery, Stanley D..Lansing
Moore, Geo. G.....Port Huron
Moore, Geo. W.....Detroit
Moore, Jos. B.....Lansing
Moore, Wm. A.....Detroit
Moore, Wm. V.....Detroit
More, John E.....Grand Rapids
Morrisey, Francis M....Harrison
Morse, A. B.....Ionia
Moulton, Luther V..Grand Rapids
Murfin, J. O.....Detroit

N

Naegley, Henry E.....Saginaw
Navin, Thomas J.....Detroit
Nichols, Chas. W.....Lansing
Nichols, Geo. E.....Ionia
Nichols, Jason E.....Lansing
Nichols, M. A.....Grand Rapids
Nims, F. A.....Muskegon
Noah, Frank A.....Detroit
Norris, Mark.....Grand Rapids
Northrup, LeRoy.....Jackson

O

O'Brien, Thos. J...Grand Rapids
O'Brien, M. Hubert.....Detroit
O'Hara, James.....St. Joseph
O'Keefe, Jas. E....Grand Rapids
Opsahl, John M.....Menominee
Oren, H. W.....Sault Ste. Marie
Osborn, J. W.....Kalamazoo
Ostrander, Russell C....Lansing
Ott, Louis.....Detroit
Owen, Chas M.....Grand Rapids
Oxtoby, Jas. V.....Detroit

P

Paddock, Lewis H.....Detroit
Paine, DeForest.....Detroit
Pagleson, Dan F....Grand Haven
Palmer, L. C.....Stanton
Palmer, L. G.....Big Rapids
Parker, Jas. S.....Flint
Parker, R. A.....Detroit
Parkinson, J. A.....Jackson
Patterson, John C.....Marshall
Patterson, John H.....Pontiac
Patton, John Jr....Grand Rapids

Pealer, R. R.....Three Rivers
 Pendleton, E. W.....Detroit
 Perkins, Cyrus E...Grand Rapids
 Perkins, Willis B...Grand Rapids
 Perry, C. W.....Clare
 Perry, Milton M.....Lowell
 Person, Rollin H.....Lansing
 Person, Seymour H.....Lansing
 Peters, M. B.....Newberry
 Phelan, John.....Ludington
 Phelps, Ralph Jr.....Detroit
 Porter, Wm. H.....Marshall
 Powers, James M.....Charlotte
 Powers, John W...Grand Rapids
 Pratt, E. S.....Traverse City
 Pratt, Frank S.....Bay City
 Pratt, Fred H.....Traverse City
 Prentiss, Geo. H.....Detroit
 Price, Richard.....Jackson
 Priddy, F. E.....Adrian
 Pringle, Eugene.....Jackson
 Purcell, Miles J.....Saginaw

Q

Quinn, Frank Q.....Saginaw
 Quinn, John.....Harrison
 Quinn, T. C.....Caro

R

Randall, Ira E.....Houghton
 Rapley, Jesse A.....Yale
 Rarden, C. L.....Greenville
 Rees, Allen F.....Houghton
 Reilly, C. J.....Detroit
 Rexford, D. C.....Detroit
 Robbins, John W.....Detroit
 Roberts, Clinton.....Flint
 Robinson, Deen L.....Houghton
 Robson, Frank E.....Detroit
 Rohnert, Morse.....Detroit
 Rose, C. H.....Ewart
 Rosenberg, Louis J.....Detroit
 Ross, John Q.....Muskegon
 Russell, Chas. T.....Mt. Pleasant
 Russell, Henry.....Detroit

S

Sagendorph, D. P.....Jackson
 Savidge, B. N.....Reed City
 Sawyer, Alvah L.....Menominee
 Searle, K. S.....Ithaca
 Selling, B. B.....Detroit
 Sessions, C. W.....Muskegon
 Sharpe, Nelson.....W. Branch
 Shaw, John C.....Detroit

Sheahan, P. J.....Detroit
 Sheldon, R. S.....Houghton
 Shepard, T. F.....Bay City
 Shipman, John B.....Coldwater
 Shuster, Anson E.....Ontonagon
 Sillsbee, Harry A.....Lansing
 Simons, Chas. C.....Detroit
 Simpson, Wm. H.....Detroit
 Skeels, Rufus F.....Hart
 Sloman, Adolph.....Detroit
 Sloman, Edward.....Detroit
 Smedley, Chas O...Grand Rapids
 Smith, Chas. H.....Manila, P. I.
 Smith, Chas. S.....Saginaw
 Smith, Clement.....Hastings
 Smith, Ernest C.....Kalkaska
 Smith, Hal H.....Detroit
 Smith, Henry C.....Adrian
 Smith, James Cosslet...Detroit
 Smith, J. M. C.....Charlotte
 Smith, Q. A.....Lansing
 Smith, R. W.....Manistee
 Smith, Vernon H.....Ionia
 Smith, Wallis Craig...Saginaw
 Smith, Wm. Alden...Grand Rapids
 Smith, Wm. M.....St. Johns
 Snyder, Emil W.....Detroit
 Spears, W. J.....Vassar
 Speed, John J.....Detroit
 Spier, S. B.....Mt. Clemens
 Sprague, Wm. C.....Detroit
 Stace, Francis A...Grand Rapids
 Standart, Joseph G.....Detroit
 Stansell, Arthur D.....Detroit
 Stearns, A. M.....Kalamazoo
 Steere, J. H.....Sault Ste. Marie
 Stein, Christopher E.....Detroit
 Stellwagen, A. C.....Detroit
 Stevens, Fred W.....Detroit
 Stevens, H. W.....Port Huron
 Stevens, M. W.....Flint
 Stewart, H. P.....Kalamazoo
 Stewart, N. H.....Battle Creek
 Stewart, Louis E...Battle Creek
 Stoddard, E. J.....Detroit
 Stone, John W.....Marquette
 Stone, Ralph.....Detroit
 Stone, W. S.....Richmond
 Storm, Carl T.....Ann Arbor
 Straker, D. Augustus...Detroit
 Streeter, A. T.....Houghton
 Streeter, Howard.....Detroit
 Stuart, Wm. J.....Grand Rapids
 Sullivan, Jas. E.....Muskegon
 Swan, James.....Detroit

Swarthout, Elvin....Grand Rapids
Sweet, Chas. E.....Dowagiac

T

Tabor, L. A.....Lawton
Taggart, Edward....Grand Rapids
Tarsney, T. E.....Detroit
Taylor, Orla B.....Detroit
Taylor, Walter R.....Kalamazoo
Tennent, John S.....Greenville
Thayer, Russell B.....Saginaw
Thomas, Harris E.....Lansing
Thompson, B. M.....Ann Arbor
Thompson, Chas E.....Bad Axe
Thompson, Dell H.....Bay City
Thompson, Jas H.....Ewart
Thorington, C. C.....Romeo
Thornton, H. A.....Grand Rapids
Titus, Lincoln H.....Paw Paw
Townsend, Chas. E.....Jackson
Townsend, W. L.....Gaylord
Travis, Phillip H...Grand Rapids
Trudell, F. J.....Menominee
Tucker, J. G.....Mt. Clemens
Tucker, W. S.....Big Rapids
Turner, James.....Detroit
Turner, Jerome E.....Muskegon
Turner, Willard J.....Muskegon
Tuttle, Arthur J.....Leslie

U

Underwood, M. W...Traverse City

V

Van De Mark, S. O.....Detroit
Vanderwerp, John.....Muskegon
Van Riper, Jacob J.....Niles
Van Zile, Philip T.....Detroit
Voorhels, P. W.....Plymouth

W

Walbridge, H. E.....St. John
Walsh, Jos.....Port Huron
Walters, Henry C.....Detroit

Wanty, Geo. P.....Grand Rapids
Warner, Glenn E.....Paw Paw
Warner, Wm. W.....Allegan
Warren Benj. S.....Detroit
Warren, Chas. B.....Detroit
Watkins, Roy M....Grand Rapids
Watt, Chas. A.....Grand Rapids
Wattles, I. N.....Kalamazoo
Weadock, John C.....Bay City
Webster, Elmer E.....Pontiac
Weeks, M. D.....Albion
Weimer, George V....Kalamazoo
Wessellius, Sybrant..Grand Rapids
Westerman, W. S.....Adrian
Weston, Frank S.....Kalamazoo
Wetherbee, Wm. H.....Detroit
Wicks, Kirk E.....Grand Rapids
Wiest, Howard.....Lansing
Wilkins, Chas. T.....Detroit
Williams, A. B.....Battle Creek
Williams, W. B.....Lapeer
Wilson, Chas. M....Grand Rapids
Wilson, Chas. L.....Saranac
Wilson, F. W.....Muskegon
Wilson, Hugh E....Grand Rapids
Wilson, Thomas A.....Jackson
Wolcott, Alfred....Grand Rapids
Wolcott, Frank T....Port Huron
Wolcott, L. W.....Grand Rapids
Wolf, Gustave A....Grand Rapids
Wood, Clark C.....Lansing
Wood, Fred B.....Tecumseh
Wood, Nathan S.....Saginaw
Woodruff, Chas. W.....Detroit
Worch, Rudolph.....Jackson
Wright, Benj. S.....Mt. Clemens
Wright, C. A.....Hancock
Wunsch, Henry.....Detroit
Wykes, Roger I....Grand Rapids

Y

Yerkes, Geo. B.....Detroit
Young, H. O.....Ishpeming
Youngs, Dan.....Ewart

MEMBERS BY CITIES.

ADRIAN

Alexander, W. B.
Baldwin, Clark L.
Bennett, A.
Bird, Jno. E.
Jewett, Henry R.
Joslin, Theo. M.
Larwill, Harry L.
Priddy, F. E.
Smith, Henry C.
Watts, Richard A.
Westerman, Walter S.

ALBION

Culver, Adelbert
Loud, Edward
Weeks, M. D.

ALLEGAN

Warner, Wm. W.

ANN ARBOR

Brewster, Jas. H.
Bunker, R. E.
Duffy, Jno. L.
Freeman, A. F.
Hutchins, Harry B.
Jones, Frank E.
Kinne, E. D.
Lane, Victor H.
Storm, Carl T.
Thompson, B. M.

BAD AXE

Bope, Wm. T.
Clark, Geo. W.
McNabb, Daune T.
Thompson, Chas. E.

BATTLE CREEK

Arthur, Jesse
Clark, O. S.
Hamilton, Burritt
Hooper, Jos. L.
Hopkins, Joel C.
Ludlum, R. M.
Stewart, H. P.

Stewart, Louis E.
Williams, Arthur B.

BAY CITY

Beckwith, L. G.
Brockway, Jas. A.
Clark, E. S.
Cobb, Geo. P.
Collins, Chester
Cooley, E. A.
Donnelly, Jas.
Duffy, Jas. E.
Fox, Geo. R.
Gillett, H. M.
Hall, DeVere
Hewitt, Jno. C.
Hitchcock, Chas. W.
Joslyn, Lee E.
King, Robt. L.
Kinnane, J. E.
Loranger, U. R.
Pratt, Frank S.
Sheppard, T. F.
Thompson, Dell H.
Weadock, Jno. C.

BAY CITY, W.

Collins, W. A.

BIG RAPIDS

Brown, Michael
Fuller, C. C.
Marsh, E. J.
Palmer, L. G.
Tucker, W. S.

BUCHANAN.

Emery, Alex.

CADILLAC.

Chittenden, C. C.
McIntyre, D. E.

CALUMET

Campbell, Gordon R.
Galbraith, Wm. J.
Larson, Oscar J.
McDonald, Wm. J.

CARO

Quinn, T. C.

CHARLOTTE

McCall, Lyman H.
Maynard, Horace S.
Powers, Jas. M.
Smith, J. M. C.

CLARE

Lacy, A. J.
Perry, C. W.

COLDWATER

Champion, Chas. U.
Humphrey, Leonard T.
Shipman, Jno. B.

CORUNNA

Bush, Matthew
Chandler, A. L.
Davies, Jas. B.
McCurdy, Jno. T.

CRYSTAL FALLS.

Abbott, Fred H.

DETROIT

Alexander, Chas. T., Bk. Chambers
Allor, Elmer L., 709 Union Trust
Bldg.
Anderson, Jno. W., 68 Moffat Bldg.
Angell, Alexis C., Union Trust
Bldg.
Antisdal, Jno. P., 60 Buhl Bk.
Baker, F. A., 30 Whitney Opera
House Bldg.
Barbour, Levi L., 29 Buhl Bk.
Bates, Geo. W., 32 Buhl Bk.
Bayne, Jas. H., 52 Buhl Bk.
Beaumont, Jno. W., 60 Buhl Bk.
Berger, E. T., 1330 Majestic Bldg.
Bigelow, Nelson C., 8 Buhl Bk.
Blissell, Jno. H., 80 Griswold St.
Bodman, Henry E., 703 Union
Trust Bldg.
Bowen, Herbert, 80 Moffat Bldg.
Boynton, Herbert E., 700 Union
Trust Bldg.
Brown, Bayard Q., 60 Buhl Bk.
Bulkley, Harry C.
Butler, T. Jefferson, 79 Home
Bank Bldg.
Butterfield, O. E.

Butzel, Henry L., 511 Union
Trust Bldg.
Campbell, Arthur D.
Campbell, Chas. H., 601 Union
Trust Bldg.
Campbell, Henry M., 604 Union
Trust Bldg.
Canfield, F. H., 62 Moffat Bldg.
Chamberlain, Robt. M., 46 Moffat
Bldg.
Clark, Joseph H., 406 Hammond
Bldg.
Clark, Levert, 2 Buhl Bk.
Codd, Geo. P., 716 Hammond Bldg.
Collins, L. H., 20 Buhl Bk.
Covert, Arthur H., 43 Detroit
Opera House Bk.
Cowles, Israel T., 311 Union
Trust Bldg.
Crosby, Frank N., Wayne Co. Sav.
Bank Bldg.
Denby, Edwin, 722 Hammond Bldg.
Dickinson, Don M., Union Trust
Bldg.
Dickinson, J. G., 33 Newberry
Bldg.
Donnelly, Jno. C., 65 Moffat Bldg.
Douglas, S. T., 80 Moffat Bldg.
Duffield, Henry M., 312 Union
Trust Bldg.
Durfée, Edgar O.
Emmons, Harold H., 61 Moffat
Bldg.
Field, Geo. S., 30 Buhl Bk.
Finney, J. W., 42 Peninsular Bank
Bldg.
Fitzpatrick, W. G., 404 Whitney
Bldg.
Flowers, Chas., 802 Hammond
Bldg.
Fowler, Geo. B., 715 Hammond
Bldg.
Fox, Wm. D., 65 Home Bank Bldg.
Frazer, R. E., County Court House.
Gates, Jasper C., 16 McGraw Bldg.
Goff, John H., 116 Wayne Co.
Sav. Bank Bldg.
Gray, Robt. T., 39 Moffat Bldg.
Gray, Wm. J., 39 Moffat Bldg.
Groesbeck, A. J., 602 Majestic
Bldg.
Guise, Frank P., 426 Moffat Bldg.
Heinemen, D. E., 28 Moffat Bldg.
Helfman, Harry, 61 Moffat Bldg.
Hosmer, Geo. S., 68 Stimson Place.

- Hoyt, Hobart B., c-o Union Trust Co.
 James, Delbert C.
 January, Wm. L., 4 Buhl Bldg.
 Jones, Arthur, 410 Hammond Bldg.
 Kelly, Ronald, 1011 Hammond Bldg.
 Keena, Jas. T., Moffat Bldg.
 Lane, Wm. P., 80 Griswold St.
 Langley Jas. P., 1102 Majestic Bldg.
 Lemkie, Felix E.
 Lightner, Clarence A., 901 Penobscot Bldg.
 Lucking, Alfred, 60 Moffat Bldg.
 McDonald, Chas. S., 715 Hammond Bldg.
 McDonald, Jas. H., 42 Moffat Bldg.
 McGregor, Malcolm, 66 Home Bk. Bldg.
 McHugh, Phillip A., 1014 Majestic Bldg.
 McPherson, Chas., Fort St. Depot.
 Mackay, Jno. D.
 Maguire, Arthur D.
 Manchester, Wm. C., 66 Buhl Bldg.
 Marsh, Pliny W., 905 Chamber of Commerce.
 Maybury, Wm. C., 60 Moffat Bldg.
 Miller, Sidney T., 80 Griswold St.
 Millis, Wade, 603 Hammond Bldg.
 Monaghan, George F., 723 Majestic Bldg.
 Moore, Geo. W., Campau Bldg.
 Moore, Wm. A., 12 Campau Bldg.
 Moore, Wm. V.
 Murfin, J. O., 82 Moffat Bldg.
 Navin, Thos. J., 702 Hammond Bldg.
 Noah, F. A., 32 McGraw Bldg.
 O'Brien, M. Hubert, 201 Moffat Bldg.
 Ott, Louis, 47 Buhl Bldg.
 Oxtoby, Jas. V., 7 McGraw Bldg.
 Paddock, L. H., 214 Hammond Bldg.
 Palne, DeForest
 Parker, R. A., 12 Hodges Bldg.
 Pendleton, E. W., 406 Penobscot Bldg.
 Phelps, Ralph, Jr., 82 Griswold St.
 Prentis, Geo. H., 8 McGraw Bldg.
 Reilly, C. J., 29 Monroe Ave.
 Rexford, D. C., 34 Buhl Bldg.
- Robbins, John W.
 Robson, Frank E., 720 Hammond Bldg.
 Rohnert, Morse, 14 McGraw Bldg.
 Rosenburg, Louis J.
 Russell, Henry, c-o M. C. R. R. Depot.
 Selling, B. B., 503 Hammond Bldg.
 Shaw, Jno. C., 904 Union Trust Bldg.
 Sheahan, P. J., 702 Hammond Bldg.
 Simons, Chas. C., 604 Wayne Co. Sav. Bk. Bldg.
 Simpson, Wm. H.
 Sloman, Adolph, 414 Penobscot Bldg.
 Sloman, Edmund, 414 Penobscot Bldg.
 Smith, Hal H., 713 Hammond Bldg.
 Smith, Jas. Coslett, Penobscot Bldg.
 Snyder, Emil W., Majestic Bldg.
 Speed, Jno. J.
 Sprague, Wm. C., Majestic Bldg.
 Standart, Joseph G.
 Stansell, Arthur D., 60 Buhl Bldg.
 Stein, Christopher, Justice Court
 Stellwagen, A. C., 421 Home Bank Bldg.
 Stevens, Fred W., Fort St. Depot
 Stoddard, E. J., 12 Hodges Bldg.
 Stone, Ralph, c-o Detroit Trust Co.
 Straker, D. Augustus, 29 State St.
 Streeter, Howard, 83 Moffat Bldg.
 Swan, Jas., 30 McGraw Bldg.
 Tarsney, T. E., 404 Whitney Bldg.
 Taylor, Orla B., 13 Butler Bldg.
 Turner, James.
 Van De Mark, S. O., 63 Moffat Bldg.
 Van Zile, Philip T., 605 Hammond Bldg.
 Walters, Henry C., 904 Chamber of Commerce.
 Warren, Benj. S., 606 Union Trust Bldg.
 Warren, Chas. B., 904 Union Trust Bldg.
 Wetherbee, Wm H.
 Wilkins, Chas. T., 1003 Hammond Bldg.
 Woodruff, Chas. W.
 Wunsch, Henry, 4 Moffat Bldg.
 Yerkes, Geo. B., 41 Home Bk. Bldg.

DOWAGIAC

Hendryx, Coy W.
Ketcham, C. W.
Kinnane, James H.
Sweet, Chas. E.

EATON RAPIDS

Hendee, J. B.

EMPIRE

Bunting, A. F.

ESCANABA

Gallup, Ged

EVART

Rose, C. H.
Thompson, Jas. H.
Youngs, Dan

FLINT

Aitken, D. D.
Blakely, Harvey V.
Brown, Geo.
Carton, Jno. J.
Cook, Geo. W.
Durand, C. A.
Lee, Ed. S.
Parker, Jas. S.
Roberts, Clinton
Stevens, M. W.

FREMONT

GAYLORD

Townsend, W. L.

GRAND HAVEN

Farr, Geo. A.
Pagelsen, Dan. F.

• GRAND LEDGE

Alexander, Cassius
Clark, Wm. R.

GRAND RAPIDS

Backus, Ella M., Govt. Bldg.
Barnett, Jas. F., N. Lafayette St.
Boltwood, Lucius, Mich Trust Co.
Bldg.
Bradfield, Thos. P., Mich. Trust
Co. Bldg.
Bundy, McGeorge, Mich. Trust Co.
Bldg.
Butterfield, Roger W., Wonderly
Bldg.

Campbell, Jas. H., Mich. Trust
Co. Bldg.

Campbell, Colin P., Widdicomb
Bldg.

Clapperton, Geo., Mich. Trust Co.
Bldg.

Clute, Wm. K., Govt. Bldg.

Corwin, Benn. M., Houseman Bldg.

Creswell, Harry L., Houseman
Bldg.

Crane, Albert, Mich. Trust Co.
Bldg.

Denison, Arthur C., Mich. Trust
Co. Bldg.

Doran, Peter, 4th Nat. Bk. Bldg.
Drury, Horton H., Ottawa Bldg.

Ellis, A. A., Mich Trust Bldg.

Fitzgerald, G., Mich. Trust Co.
Bldg.

Fuller, Wm. D., Widdicomb Bldg.

Gleason, Clark H., Powers Opera
House Bldg.

Goss, Dwight, Houseman Bldg.

Grove, Wm. E., Houseman Bldg.

Hatch, Reuben, Widdicomb Bldg.

Heald, Henry T., Mich. Trust Co.
Bldg.

Holmes, Glenn W., Govt. Bldg.

Hyde, Wesley W., Mich. Trust Co.
Bldg.

Jewell, Harry D., Court House

Johnston, Andrew W., Houseman
Bldg.

Keeney, Willard F., Wonderly
Bldg.

Kingsley, Willard, Houseman Bldg.

Kleinhans, Jacob, Mich. Trust Co.
Bldg.

Knappen, Loyal E., Mich. Trust
Co. Bldg.

Landman, Wm. J., Houseman Bldg.

Lawrence, Jno. S., Mich. Trust Co.
Bldg.

McAllister, Jas. T., Wonderly
Bldg.

McDonald, John S., Houseman
Bldg.

McKnight, Wm. F., Wonderly
Bldg.

Maher, Edgar A., Aldrich Bldg.

Mapes, Carl E., Mich. Trust Co.
Bldg.

Maynard, Fred A., Houseman
Bldg.

Merrick, Benj. P., Mich. Trust Co.
Bldg.

More, Jno. E., Mich. Trust Co.
Bldg.

Moulton, Luther V., Houseman
Bldg.

Nichols, M. A., Wonderly Bldg.

Norris, Mark, Mich. Trust Co.
Bldg.

O'Brien, Thos. J., Mich. Trust Co.
Bldg.

O'Keefe, Jas. E., Monroe St.

Owen, Chas. M., Mich. Trust Co.
Bldg.

Patton, Jno., Jr., Mich. Trust Co.
Bldg.

Perkins, Cyrus E., Mich. Trust Co.
Bldg.

Perkins, Willis B., Court House

Powers, Jno. W., Houseman Bldg.

Smedley, C. O., Houseman Bldg.

Smith, Wm. Alden, Wm. Alden
Smith Bldg.

Stace, Francis A., Mich. Trust Co.
Bldg.

Stuart, Wm. J., City Hall

Swarthout, Elvin, 633 Mich. Trust
Co. Bldg.

Taggart, Edw., Mich. Trust Co.
Bldg.

Thornton, Howard A., Mich. Trust
Co. Bldg.

Travis, Phillip H., Mich. Trust Co.
Bldg.

Wanty, Geo. P., Govt. Bldg.

Watkins, Roy M., Houseman Bldg.

Watt, Chas. A., Houseman Bldg.

Wessellius, Sybrant, Houseman
Bldg.

Wicks, Kirk E., Houseman Bldg.

Wilson, Chas. M., Mich. Trust Co.
Bldg.

Wilson, Hugh, Mich. Trust Bldg.

Wolcott, Alfred, Court House.

Wolcott, Laurens W., Mich. Trust
Co. Bldg.

Wolf, Gustave A., Mich. Trust Co.
Bldg.

Wicks, Roger Irving Mich. Trust
Co. Bldg.

GRAYLING.

Alexander, Geo. L.

GREENVILLE

Bowman, E. J.

Griswold, N. O.

Rarden, C. L.

Tennant, John S.

HANCOCK

Burrett, Wm. A.

Finnegan, J. T.

Wright, C. A.

HART

Hanson, Winfield S.

Skeels, Rufus F.

HARRISON

Cummins, Geo. J.

Morrissey, Francis M.

Quinn, Jno.

HASTINGS

Colgrove, Phillip T.

Smith, Clement

HILLSDALE

Chadwick, Wm. E.

Chester, Guy M.

HOLLAND

Diekema, G. J.

McBride, Charles S.

HOMER

Cavanaugh, H. W.

HOUGHTON

Chadbourne, T. L.

Haire, Norman W.

Randall, Ira E.

Rees, Allen F.

Robinson, Deen L.

Sheldon, R. S.

Streeter, A. T.

HUDSON

Fellows, Grant

IONIA

Davis, F. D. M.

Hawley, R. A.

Morse, A. B.

Nichols, Geo. E.

Smith, Vernon H.

IRONWOOD

Humphrey, Chas. M.

IRON RIVER

Byers, I. W.

ISHPEMING

Belden, Wm. P.
Berg, Fred H.
Young, H. O.

ITHACA

McCall, A.
McCall, R.
Searle, K. S.

JACKSON

Badgely, Clyde
Barkworth, T. E.
Bancker, Enoch
Cobb, W. S.
Hewitt, Adolphus E.
Kirkby, Elmer
Knowles, R. D.
Miner, Jno. W.
Northrup Leroy
Parkinson, J. A.
Price, Richard
Pringle, Eugene
Sagendorph, D. P.
Smith, Chas. H.
Towsend, Chas. E.
Williams, Benj.
Wilson, Thos. A.
Worch, Rudolph

KALAMAZOO

Boudeman, Dallas
Browne, Thos. W.
Chappell, Fred L.
Crane, E. A.
Earl, Otis A.
Howard, Harry C.
Irish, E. M.
Knappen, F. E.
Master, Sheridan F.
Mills, A. J.
Osborn, J. W.
Stearns, A. M.
Stewart, N. H.
Taylor, Walter R.
Wattles, I. N.
Weimer, Geo. V.
Weston, Frank S.

KALKASKA

Smith, Ernest C.

LAKE CITY

Gaffney, F. O.

L'ANSE

Mason, W. L.

LANSING

Blair, Chas. A.
Cahill, Edward
Carpenter, William L.
Chase, Henry E.
Clark, Clarence D.
Cummins, Alva M.
Dunnebecke, Jos. H.
Foster, Chas. W.
Gardner, Henry M.
Gardner, L. B.
Grant C. B.
Hooker, Frank A.
Hooker, Harry E.
Hopkins, Chas. C.
Kilbourne, S. L.
McAlvay, A. V.
Montgomery, R. M.
Montgomery, Stanley D.
Moore, Jos. B.
Nichols, Chas. W.
Nichols, Jason E.
Ostrander, Russell C.
Person, Rollin H.
Person, Seymour H.
Silsbee, Harry A.
Smith, Q. A.
Thomas, Harris E.
Wiest, Howard
Wood, Clark C.

LAPEER

Brown, W. E.
Williams, W. B.

LAWTON

Tabor, L. A.

LESLIE

Tuttle, Arthur J.

LEXINGTON

Beach, Watson

LOWELL

Perry, Milton M.

LUDINGTON

Danaher, M. B.
Phelan, Jno.

MANCHESTER

Freeman, F. M.

MANISTEE

Fowler, Frank L.
Smith, R. W.

MARCELLUS

Jones, Walter C.

MARQUETTE

Ball, Dan H.
Eldredge, A. B.
Miller, A. E.
Stone, Jno. W.

MARSHALL

Dennison, Edw. J.
Patterson, Jno. C.
Porter, Wm. H.

MENOMINEE

Eastman, L. D.
Opsahl, Jno. M.
Sawyer, Alvah L.
Trudell, F. J.

MIDLAND

Gordon, Wm. D.

MONROE

Golden, C. A.
Landon, Geo. M.
Lockwood, H. A.

MT. CLEMENS

Bowers, Varnum J.
Crocker, Martin
Erskine, Byron R.
Jenney, W. S.
Knight, Seth W.
Miller Fred'k C.
Spler, S. B.
Tucker, J. G.
Wright, Benj. S.

MT. PLEASANT

Dodds, Francis H.
Russell, Chas. T.

MUNISING

Donahoe, C. F.
Freeman, Henry B.

MUSKEGON

Baker, Orla H.
Carpenter, Wm.
Chaddock, Chauncey J.

Clink, S. K.
Cross, Chas. B.
Erwin, David D.
Hoyt, H. J.
Hoyt, Wm. E.
Lovelace, Geo. S.
MacDonald, R. J.
Nims, F. A.
Ross, Jno. Q.
Sessions, C. W.
Sullivan, Jas. E.
Turner, Jerome E.
Turner, Willard J.
Vanderwerp, John
Wilson, F. W.

NEWAYGO

Day, A. G.
Luton, Geo.

NEWBERRY

Peters, M. B.

NILES

Beaver, Theo. G.
Coolidge, Orville W.
Van Riper, Jacob J.

NORWAY

Flannigan, R. C.

ONTONAGON

Jones, John
Shuster, Anson E.

OWOSSO

Kilpatrick, Wm.

OXFORD

Jenkins, Frank E.

PAW PAW

Anderson, David
Chase, Russell M.
Cavanaugh, Thos. J.
Free, A. L.
Titus, Lincoln H.
Warner, Glenn E.

PLYMOUTH

Voorhels, P. W.

PONTIAC

Jacokes, Jas. A.
Patterson, Jno. H.
Webster, Elmer E.

PORT HURON

Avery, Lincoln
Gleason, John M.
Hovey, Cyrus A.
Jenks, W. L.
Ladd, S. W.
Moore, George G.
Stevens, H. W.
Walsh, Jos.
Wolcott, Frank T.

REED CITY

Savidge, B. N.

RICHMOND

Stone, W. S.

ROMEO

Lowell, Dwight N.
Thorington, C. C.

ST. IGNACE

Hoffman, Henry

ST. JOHNS

Brown, J. Earle
Dooling, Jno. C.
Lyon, Edwin H.
Smith, Wm. M.
Walbridge, H. E.

ST. JOSEPH

Fyfe, L. C.
O'Hara, Jas.

SAGINAW

Beach, Emmet L.
Crane, Wm. E.
Davis, Geo. W.
Davitt, Jas. H.
Durand, L. T.
Emerick, Frank E.
Gage, Chauncey H.
Humphrey, Watts S.
McKay, Jno. A.
Naegley, Henry E.
O'Keefe, Jno. F.
Purcell, Miles J.
Quinn, Frank Q.
Smith, Chas. S.
Smith, Wallis Craig
Thayer, Russell B.
Wood, Nathan S.

SAULT STE. MARIE

Chandler, James E.
Coutts, W. A.
Couch, Jno. A.
Handy, Sherman T.
Holden, Lawson C.
McCallum, Geo. P.
McDonald, Michael F.
Oren, Horace M.
Steere, J. H.

SARANAC

Wilson, Chas. L.

STANDISH

McCarthy, Jno. J.

STANTON

Palmer, L. C.

SOUTH HAVEN

Cook, H. T.

TECUMSEH

Wood, Fred B.

THREE RIVERS

Andrews, Bishop E.
Constantine, S. M.
Pealer, R. R.

TRAVERSE CITY

Davis, H. C.
Pratt, E. S.
Pratt, Fred H.
Underwood, M. W.

VASSAR

Spears, W. J.

WASHINGTON D. C.

Brown, Henry B.

WEST BRANCH

Sharpe, Nelson.
Yeo, Wm. F.

YALE

Rapley, Jesse A.

YPSILANTI

Hatch, W. B.

LOCAL BAR ASSOCIATIONS.

	President	Secretary
Bay Co. Bar Association.....	John C. Weadock, Bay City.	Lee E. Joslyn, Bay City.
Detroit Bar Association.....	A. H. Wilkinson, Detroit	H. C. Bulkley, Detroit.
Grand Rapids Bar Association....	McGeorge Bundy, Grand Rapids.	Ganson Taggart, Grand Rapids.
Houghton Co. Bar Association....	T. L. Chadbourne, Houghton.	G. R. Campbell, Calumet.
Ingham Co. Bar Association.....	S. L. Kilbourne, Lansing.	Harry A. Silsbee, Lansing.
Ionia Co. Bar Association.....	Allen B. Morse, Ionia.	Elbert M. Davis, Ionia.
Jackson Co. Bar Association.....	Eugene Pringle, Jackson.	Geo. H. Curtis, Jackson.
Lenawee Co. Bar Association.....	Richard A. Watts, Vice President. Adrian. (Pres. C. E. Weaver, has died.)	Earl C. Michener, Adrian
Marquette Co. Bar Association....	Dan H. Ball, Marquette.	Geo. P. Brown, Marquette.
Macomb Co. Bar Association....	D. N. Lowell, Romeo.	Franz Kuhn, Mt. Clemens.
Muskegon Co. Bar Association....	W. J. Turner, Muskegon.	Alex. Sutherland, Muskegon.
Saginaw Co. Bar Association....	Miles J. Purcell, Saginaw.	Frank Q. Quinn, Saginaw.
Washtenaw Co. Bar Association...	A. J. Sawyer, Ann Arbor.	Arthur Brown, Ann Arbor.

CONSTITUTION

ARTICLE I.—NAME.

The name of this Association shall be: "THE MICHIGAN STATE BAR ASSOCIATION."

ARTICLE II.—OBJECTS.

The objects of this Association shall be: To maintain the honor and dignity of the profession of the law; to increase its usefulness in promoting the due administration of justice; and to cultivate social intercourse among its members.

ARTICLE III.—MEMBERSHIP.

Section 1. Members of the bar of Michigan in good standing and authorized to practice in the courts of Michigan, and Judges of the United States Circuit and District Courts of Michigan, may become members of this Association.

Sec. 2. Each application for admission to membership must be endorsed by a member of the Association and sent to the Secretary. The Secretary shall submit applications to the Committee on Membership, which shall have full power to admit to membership.

Sec. 3. The annual dues shall be Two (\$2.00) Dollars, payable to the Treasurer on the first day of January of each year. The Secretary shall, by mail, request payment of such dues. Members in arrears for one year after such request shall cease to be members without further action of the Association (as amended June 8th, 1904.)

ARTICLE IV.—OFFICERS AND THEIR DUTIES.

Section 1. The officers of the Association shall be a President, Vice President, Secretary, Treasurer and Board of Directors, of fifteen members. (As amended June 6, 1894.)

Sec. 2. The President shall act as Chairman of the Board of Directors, prepare an annual address, audit all bills and perform the duties usually incident to the office of President. In the event of his inability to perform the duties of the office, they shall devolve upon the Vice President.

Sec. 3. The Secretary shall act as Secretary of the Board of Directors, shall prepare an annual report and perform the duties usually incident to the office of Secretary. The Secretary shall keep a full and complete record of the proceedings of the annual convention, and shall from time to time arrange same in such order that they may be bound and preserved. (As amended June 19th, 1903.)

Sec. 4. The Treasurer shall prepare an annual report, and shall perform the duties usually incident to the office of Treasurer. His accounts shall be audited by a committee appointed by the President. The Treasurer shall also be required to furnish a bond in such amount as the Board of Directors may direct. (As amended June 19th, 1903.)

Sec. 5. The Board of Directors shall consist of the President, Vice President, Secretary and twelve other members selected by the Association, one from each Congressional District of the State. It shall prepare the program for the annual meeting. It shall have the entire management of the affairs of the Association subject to the Constitution and By-Laws. (As amended June 6, 1894.)

ARTICLE V.

The Association shall at each convention determine the place of meeting for the next year. In event of its failure to do so, such place of meeting shall be determined by the Board of Directors. (As amended June 19th, 1903.)

ARTICLE VI.—AMENDMENTS.

This Constitution may be amended by a three-fourths (3-4) vote of the members present at any annual meeting.

BY-LAWS

1.

STANDING COMMITTEES.

(As amended June 8th, 1904).

There shall be the following Standing Committees of the Association, to be appointed by the President:

1. Executive, of three members.
2. Legislation and Law Reform, of five members.
3. Legal Education and Admission to the Bar, of five members.
4. Grievances, of five members.
5. Membership, of three members.
6. Historical, of five members.

(The first committee shall be appointed from the place where the annual meeting is to be held.)

1. **EXECUTIVE COMMITTEE.** It shall be the duty of this committee, in conjunction with the President, to have the general charge of the affairs of the Association. They shall meet from time to time, as it may be deemed necessary by the Chairman, to determine upon the policy of the Association; the programme for its annual convention; the arrangements for said convention, and to prepare and submit at the meetings of the Association, resolutions and suggestions relative to the general welfare of the Association. This Committee shall have such general powers and duties as is now possessed by the Board of Directors, but shall be entitled to assume the duties of the Board of Directors only when such Board has failed to meet and take any action. (As amended June 19th, 1903.)

2. **COMMITTEE OF LEGISLATION AND LAW REFORM.** It shall be the duty of the Committee on Legislation and Law Reform:

(a) To procure, after the time has expired for the introduction of bills at each session of the legislature, copies of all bills introduced which effect in any way the law or its practice in the State; and to ascertain and judge of the need or propriety of such proposed legislation. It shall take such steps as it shall deem necessary and proper to postpone the enactment or accomplish the defeat of any of such measures as they may consider unwise or injurious.

(b) To ascertain and report to the Association such legislation as it may consider necessary to carry into effect the suggestions contained in the reports of committees and papers read at any meeting, and to prepare

and present such legislation to the Association in the form of bills or joint resolutions appended to its report. It shall present to the Governor and Legislature in the form of a memorial, such measures as are endorsed and recommended by the Association, and in the name of the Association, shall take such steps as may be proper to ensure the enactment of such bills and joint resolutions.

(c) To observe the working of the judicial system of the State, collect information, examine projects for changes or reforms in the system, and recommend to the Association such action as it may deem expedient.

(d) To cause information to be given, between September 1 and November 1 of each year, through the public press or otherwise, that it at all time invites suggestions, formulated in writing, as to changes in the law relating to the administration of justice, which suggestions shall be mailed and addressed to the Secretary of the Association and endorsed "For the Committee on Legislation and Law Reform."

3. COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO THE BAR. It shall be the duty of the Committee on Legal Education and Admission to the Bar to take into consideration the subject of legal education and other requisites for admission to the bar, and to recommend to the Association such changes as it may deem necessary to propose in the laws, system and mode of legal education and of admission to the practice of the law in the State.

4. COMMITTEE ON GRIEVANCES. It shall be the duty of the Committee to receive and investigate all charges of misconduct justifying suspension, or disbarment, which may be made to it by responsible parties against any attorney of the State. If, upon investigation, probable cause to believe the charges to be true is found to exist, the committee shall cause proceedings to be taken to procure the disbarment of such attorney. The committee shall also investigate such other grievances affecting the profession of the law as may be brought to its attention, and recommend to this Association a remedy therefor.

5. COMMITTEE ON MEMBERSHIP. It shall be the duty of this committee to pass upon applications, and it shall have power to admit. (As amended August 12, 1902.)

6. HISTORICAL COMMITTEE. It shall be the duty of the Historical Committee to have in charge the preparation and presentation of such papers of a biographical and historical value as relates to the history of the administration of justice in Michigan.

II.

ORDER OF BUSINESS.

(As amended June 8th, 1904.)

The order of business at the annual meetings shall be as follows:

- (a) Reading of the Minutes of Preceding Meeting.
- (b) Address of the President.
- (c) Report of the Secretary.
- (d) Report of the Treasurer.
- (e) Report of Board of Directors.
- (f) Report of the Committee on Legislation and Law Reform.
- (g) Report of the Committee on Legal Education and Admission to the Bar.
- (h) Miscellaneous Business.
- (i) Election of Officers.
- (j) Report of Special Committees.

III.

(The By-Laws were amended by striking out By-Law III, which designated the Michigan Law Journal as the official organ of the Association. The Detroit Legal News is now the official organ of the Association.) All addresses and papers read at the annual meeting shall be lodged with the Secretary.

IV.

AMENDMENT.

These By-Laws may be amended by a majority vote of the members present at any meeting.

V.

The officers and committees of this Association shall be entitled to have paid, from the funds of the Association, their actual expenses incurred in the performance of their respective duties. (Added May 29, 1901.)



WHAT THE MICHIGAN STATE BAR ASSOCIATION HAS DONE AND IS DOING.

LAWS ENACTED AND RULES ESTABLISHED BY REASON OF THE DIRECT INFLUENCE OF THE ASSOCIATION.

Revised Court Rules.
Code of Legal Ethics.
Law Establishing a Board of Law Examiners.
Law Increasing number of Supreme Court Justices.
Negotiable Instruments Law.
Law Regulating the Employment of Expert Witnesses.

OTHER MATTERS CONSIDERED BY THE ASSOCIATION, BUT NOT COMPLETED, ENACTED INTO LAWS OR ADAPTED AS RULES.

Arbitration.
Abolishment of Fee System in Justice's Courts.
Rules for Admission to Practice Law.
Torrens System of Land Registration.
An Intermediate Court.
Revision of Article VI (Judiciary) of State Constitution.
Marriage and Divorce.
Remedy for Special and Local Legislation.
A Suitable Memorial to Judge Christy.
Amendments to Court Rules.
Directing a Verdict, by Judge.
Codification of Certain Laws.
Revision of State Constitution.
Repeal of Change of Venue Law of 1905.
Practice in Probate Courts.
Measure of Damages Law of 1905.
Costs in Federal Courts.
Compensation of Official Stenographers.
Delay in Publishing Michigan Reports.
Limiting Appeals from Justice's Courts.
Limiting Appeals from Circuit Courts.
Appointment of Jury Commissioners.
Repeal of Exemption on Juries, Honorary Members of Militia.
Allowing Mandamus on Preliminary Injunctions.

ANNUAL ADDRESSES BY NON-RESIDENTS OF MICHIGAN.

- 1896 The Reform Procedure; Its Advantages and its Limitations.
Hon. J. Newton Fiero, Albany, N. Y.
- 1897 The Evolution of Maritime Law.
Hon. Harvey D. Goulder, Cleveland, O.
- 1899 Disarmament.
Henry Wade Rogers, L. L. D., Chicago, Ill.
- 1900 How May We Govern Our New Territory.
Hon. William R. Day, Canton, Ohio.
- 1902 Damage Law and Damaged Lawyers.
Hon. Seymour D. Thompson, New York City.
- 1904 Northern Securities Case, with some review of prior decisions under the Anti-Trust Law.
Hon. John K. Richards, Cincinnati, O.
- 1906 The Evolution of the Right of Trial.
Hon. Horace H. Lurton, Nashville, Tenn.

PRESIDENT'S ADDRESSES.

- 1891 (No title given) Hon. Henry M. Duffield, Detroit.
- 1892 (No title given) Hon. Thos. J. O'Brien, Grand Rapids.
- 1893 (No title given) Hon. Edward Cahill, Lansing.
- 1894 No address (President George H. Durand of Flint was unable to attend the meeting.)
- 1895 (No title given) Hon. Martin V. Montgomery, Lansing.
- 1896 (No title given) Hon. George P. Wanty, Grand Rapids.
- 1897 (No title given) Hon. O'Brien J. Atkinson, Port Huron.
- 1898 (No title given) Hon. Michael Brennan, Detroit.
- 1899 (No title given) Hon. Thos. E. Barkworth, Jackson.
- 1900 Dangers incidental to the system of electing Judges for short terms of service.
Prof. Bradley M. Thompson, Ann Arbor.
- 1901 (No title given) Hon. George W. Weadock, Saginaw.
- 1902 (No title given) Hon. Mark Norris, Grand Rapids.
- 1903 (No title given) Hon. Adolph Sloman, Detroit.
- 1904 (No title given) Hon. Russell C. Ostrander, Lansing.
- 1905 The Common Law and Statute Laws in Michigan.
Hon. Chester L. Collins, Bay City.
- 1906 (No title given) Hon. W. G. Howard, Kalamazoo.

OTHER ADDRESSES AND PAPERS.

- 1898 The Mission of the State Bar Association,
Ralph Stone, Esq., Detroit.
- 1899 (No title given) Annual Address.
Hon. George H. Durand, Flint.

- 1892 Revision of the Constitution.
Hon. Thos. E. Barkworth, Jackson.
- 1893 Should Michigan Adopt a Code of Civil Procedure?
Affirmative, Eli R. Sutton, Esq., Detroit; negative, Hon. Alfred Russell, Detroit.
- 1893 Some Reforms in the System of Jury Trial.
Hon. John A. Edget, Saginaw.
- 1893 California System of Codes.
Hon. W. H. H. Russell, Detroit.
- 1894 Some Practical Suggestions for the Amendment of Michigan Circuit Court Practice.
Hon. Chester L. Collins, Bay City.
- 1894 Unjust Criticisms of Courts and Juries.
Hon. E. E. Osborne, Ishpeming.
- 1894 Grand Juries.
Hon. O'Brien J. Atkinson, Port Huron.
- 1895 Some Results of the Dartmouth College Case.
Hon. Geo. P. Wanty, Grand Rapids.
- 1895 Progressive Conservatism of the Law.
Hon. Chas. Flowers, Detroit.
- 1895 Critique on Jury System; Suggestions for Changes.
Hon. A. R. Avery, Port Huron.
- 1898 In Cuban Affairs the U. S. have Adhered to their Traditional Doctrines.
Hon. Wm. H. Wells, Detroit.
- 1898 The Development of the Law as Illustrated by the Decisions Relating to the Police Powers of the States.
Hon. Alfred Russell, Detroit.
- 1899 Is Internationalism a Dream?
Hon. Edward Cahill Lansing.
- 1899 Uniformity of Laws.
Hon. S. M. Cutcheon Detroit.
- 1900 Medical Expert Testimony, from a Physician's Standpoint.
Dr. W. J. Herdman Ann Arbor.
- 1900 A Neglected Study.
Hon. DeVere Hall, Bay City.
- 1903 The Negotiable Instruments Law in the Legislature.
Hon. Geo. W. Bates, Detroit.
- 1903 Three Constitutional Questions Decided by the Federal Supreme Court During the Last Four Months.
Hon. Alfred Russell, Detroit.
- 1904 Reminiscences.
Hon. Jos. B. Moore, Lansing.
- 1904 Expert Testimony and the Law.
Hon. Sam'l T. Douglass, Detroit.

- 1904 The Scope, Uses and Value of a Special Verdict in the Trial of Civil Causes by a Jury.
Hon. B. J. Brown, Menominee.
- 1904 The Indeterminate Sentence Law.
Hon. Alfred Wolcott, Grand Rapids.
- 1904 Railways in the Streets and Highways of Michigan.
Hon. Harry A. Lockwood, Monroe.
- 1904 Ideals in the Administration of Justice.
Hon. Mark Norris, Grand Rapids.
- 1905 Directing a Verdict.
Hon. Nelson Sharpe, West Branch.
- 1906 Hon. Benjamin F. Graves.
Hon. Henry F. Severens, Kalamazoo.
- 1906 The Judiciary.
Hon. A. V. McAlvay, Lansing.
- 1906 Law and Practice in the Philippines.
Hon. E. F. Johnson, Manila, P. I.
- 1906 The Legalized Citizen.
Hon. L. G. Palmer, Big Rapids.

PROCEEDINGS

OF THE
EIGHTEENTH ANNUAL MEETING
OF THE

MICHIGAN STATE BAR ASSOCIATION

NINETEEN HUNDRED AND EIGHT



PROCEEDINGS
OF THE
EIGHTEENTH ANNUAL MEETING
OF THE
MICHIGAN STATE BAR
ASSOCIATION



**WITH REPORTS OF COMMITTEES,
LISTS OF OFFICERS, MEMBERS, &C.**



GRAND RAPIDS, MICHIGAN
JUNE 25 AND 26, 1908

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ARTHUR C. DENISON
PRESIDENT 1906-1908

PROCEEDINGS.

PROCEEDINGS
OF THE
Eighteenth Annual Meeting
OF
THE MICHIGAN STATE BAR ASSOCIATION

At the Ryerson Public Library, Grand Rapids, Mich.

Thursday, June 25, 1908.

The meeting was called to order by President, Arthur C. Denison, who said:

Gentlemen of the Bar Association, without any formal speech of welcome to the members of the association, because I am sure you can all take your welcome, and your hearty welcome, for granted, we will proceed directly to the program of the meeting.

The first thing upon the program is the address of the President.

(See Appendix for President's Address.)

Mr. Clapperton: It seems to me that the subject matter of the President's address, and the suggestions therein made, are justly entitled to the careful and deliberate consideration of this association. I, therefore, in order to bring the matter before the association, formally, offer the following resolution:

Resolved, That the subject matter of the President's address be referred to the incoming board of directors, with instructions and power to take such action as may, in its judgment, be advisable; first, to ascertain and determine whether it is expedient for the Association to take any action upon such subject matter, and second, if deemed expedient, to cause such action to be taken in such manner and form and to such extent as the board may determine.

The resolution was adopted.

The next matter upon the program is the report of the Secretary, Mr. Landman.

(See Appendix for Secretary's Report)

President: The report will stand referred to the Auditing Committee, to be appointed, unless there is objection.

The next matter is the report of the Treasurer, Mr. Clute.

(See Appendix for Treasurer's Report.)

Mr. Clute: These bills have all been audited and O. K.'d by the President and the Secretary of the Association, and checks have been issued as they have been presented. The bills, with the paid vouchers, are all enclosed in this jacket. The funds of the Association have been kept in the bank, in the name of the Association, and drawn upon when occasion required, from audited bills.

President: Unless there is other action to be taken, this report will stand referred to the usual Auditing Committee. It is customary to appoint an auditing committee for the reports of the Treasurer and of the Secretary. I think I may assume, without the formality of motion, to appoint that committee, and I will appoint Judge Lockwood of Monroe, Mr. Howard of Kalamazoo, and Mr. Rees of Houghton as the Auditing Committee. They will be expected to examine these matters, as far as they think proper, and report tomorrow morning, or at the first opportunity.

There should now follow upon the program the reports of the standing committees. I will call for them as they are printed on the program. The report of the Committee on Legislation and Law Reform, of which committee Judge Van Zile is chairman.

Secretary: There is no report here.

President: The report of the Committee on Legal Education and Admission to the Bar, of which committee Mr. Pratt of Traverse City is chairman. Is there any report from that committee?

Secretary: That committee was unable to agree upon a report, Mr. President.

President: The report of the Committee on Membership.

Secretary: At the request of Mr. Barbour of Detroit, Chairman, I will read this report.

(See Appendix for Membership Committee's Report.)

President: I don't know that this report requires any formal action. It may stand as accepted and filed. Is there a report from the Historical Committee, Judge Cahill, Chairman?

Judge Cahill: I think the report is in the hands of the Secretary and I would be glad to have him read it. I know substantially what it is.

(See Appendix for Historical Committee's Report.)

Judge Cahill: I would like to use this opportunity to make a remark about the efficiency, or rather inefficiency, of the committees of this Association. I have been a member of committees of this Association, so that I have had an opportunity to know how easy or how difficult it is to have work accomplished. And now, while I do not expect this Association is going to take any action on this subject, I do want to say if any of you take a place on a committee, don't allow the chairman to write to you time and again without response and don't refuse to do the little service that may be required of you as a member of a committee promptly.

Mr. Colgrove: I want to emphasize what Judge Cahill has said in regard to committees. It seems to me we ought to have a live committee on legislation. That is the most important committee we have. We have no report from that committee, as I understand it. I think the President ought to take great care in appointing that committee.

President: This report also will stand as accepted and filed, unless there is objection. The Committee on Grievances, Mr. C. W. Perry of Clare, Chairman:

(See Appendix, for Grievance Committee's Report.)

President: What will you do with this report, gentlemen? Unless there is occasion for special action, it may stand as accepted and filed.

Mr. Colgrove: It occurs to me that the report of the Committee on Membership ought not to be passed without further consideration. Our membership does not exceed the bar of Wayne County. This is a condition that ought not to exist. It seems to me that the efficiency of the Association is increased according to our membership, and there ought to be some way provided to increase our membership. The report of this committee would indicate that personal solicitation has been the most successful way of increasing the membership. I have no doubt that is true. I don't know that the motion I am going to make will meet with the approval of the Association, but it occurs to me that if a committee were appointed, at this time, to devise ways and means to increase the membership of this Association and report at tomorrow's session, it might be helpful. Some good might come from a careful investigation of the subject, by a well selected committee, and I move you, Mr. President, that a committee of three be appointed, by the President, to take this matter under advisement and to report at the morning session, with recommendations as to the proper course to be taken tending toward increasing the membership of this Association.

The motion was put and carried.

President: I will appoint upon that committee Mr. Colgrove, whose interest is evident by what he says, and Mr. Sloman, whose interest in that line I know, and the Secretary.

We come now, I think, to the reports of special committees. At the last session a special committee was appointed upon the subject of the practice in probate courts, of which committee Judge Jewell is Chairman. Is there a report from that committee?

(See Appendix for Report of Committee on Probate Court Practice.)

Mr. Sloman: I move the report be received and the recommendations concurred in.

Judge Montgomery: Is there not a committee on Legislation?

President: There is a standing committee on Legislation and Law Reform.

Judge Montgomery: I would offer an amendment that this recommendation be referred to that committee.

President: It is moved and supported as an amendment to the original motion that this report be referred to the Committee on Legislation and Law Reform.

Judge Montgomery: Perhaps it is due to the mover of the original motion to say that the reason I offer this amendment is because the report of the committee makes two recommendations, alternative recommendations, and merely approving of that report would hardly mean much, without the action of the committee.

Mr. Sloman: I had in mind, more especially, that part of the report referring to the Judge undertaking to advise litigants. We have that practice in Detroit. No Judge can sit impartially in the trial of a case, especially a contested case, who has advised one side or the other in advance of the hearing of the case. I sometimes think that a probate judge in the capacity of adviser often helps himself a great deal politically, and to a continuation of life on the bench at the risk of unfitting himself to deal impartially with matters before him. There is no reason why a probate judge should not sit impartially between the parties and hear both sides and be free to pass upon matters that are contested before him. However, I am not particularly insistent upon this organization at this time, concurring in the matter, and as suggested by Judge Montgomery, better results may be obtained by a reference to the Committee on Legislation and Law Reform, I am willing to withdraw my motion and let his motion stand as the original motion and have it referred to that committee.

President: Judge Jewell, suppose you state, if you will, the three things which are embodied in the report.

Judge Jewell: First, in regard to what has been done with reference to establishing uniformity of practice, something which President Howard thought should be accom-

plished. In the judgment of the committee, all that can be expected to be done is being done, along that line, through the efforts of the Probate Judges' Association.

With reference to that part of the address which refers to the conduct of the officers of the court in their treatment of cases, giving of advice, etc., the laws of this state are so contradictory,—in one place seeming to prohibit the doing of the work and in another seeming to make it the absolute duty of the officers to do it,—that it is very hard for the officers of the court to conscientiously discharge their duty and know how to proceed. For that reason it is the judgment of the committee, in order that the judges and officers of the court may know what their duties are, to have the law made plain.

With reference to the last point; we frequently have the spectacle of two long drawn-out trials,—one in the Probate Court and another in the Circuit Court,—while we know that eventually the case is going to the Supreme court for final determination. We thought that this might be avoided in one of two ways; first, either by providing for a jury in the Probate Court, to hear these cases, and providing for a direct appeal to the Supreme Court, or, second, by providing for the certifying of the case, in contested matters, to the Circuit Court, for trial, in the first instance. Upon the last point we submit the report in the alternative, and we would like an expression of this Association as to whether it will adopt either one.

President: In view of the explanation, is there anything further to be said. The present motion seems to be to refer the entire report to the Committee on Legislation.

Mr. Stevens: It seems to me, to refer this whole subject without any expression of opinion of this body, to the Committee on Legislation, would be futile, as it would give that committee no idea of what our views are upon these subjects, and therefore they would simply, at the next session, ask for instructions as to the wishes of the organization before they

would set about to execute those wishes, which would mean upwards of two years delay. I should say that if the Association is now ready to express its views upon these subjects, we might better put the matter over until tomorrow morning. I move as a substitute that this matter be postponed until tomorrow and be taken up under the head of general business.

The motion postponing action until tomorrow was put and carried.

Judge Moore: In view of the action of postponing this matter, I would like to inquire of Judge Jewell if he has any idea of what proportion of the business of the Probate Court results in contested matters.

Judge Jewell: It would be very hard to give an off-hand accurate answer. Of the total cases brought into court, I should say that probably not five per cent are contested, but probably a large proportion of the important cases are contested.

President: A special committee was appointed at the last session upon the subject of the incorporation of this Association, and of this committee Judge Brown, of Big Rapids, was Chairman.

(See Appendix for Incorporation Committee's Report.)

Report accepted and adopted.

President: Are there any further special committees prepared to report?

Judge Lockwood: On behalf of the Committee on the Judge Christy Memorial, I wish to say that I am not prepared to make a final report, but I would like this opportunity to bring before the the Association some facts. Two years ago this committee reported to the Association and the Secretary was instructed to appeal to the members of the bar. Such an appeal was made for contributions. Now I have a list of contributions up to about two weeks ago all made up. It resulted in round numbers of a subscription to the amount of \$400, upon which about \$300 was paid in. About three weeks ago I sent a

letter to each Circuit Judge in the State of Michigan with the subscription list, asking that he undertake to have the members of the bar of his circuit canvassed for subscriptions. I am receiving their results today. They are sending them here. I have three of them here. We propose either to raise enough money to put that bust in the library at this meeting of the Association, or to quit and send the money back to those who paid it. It is going to be done.

We have got to have \$1,100; that is, the committee has corresponded with several artists, and finally thought that Mr. E. C. Potter, of Greenwich, Connecticut, would be perhaps the best, and it will cost about \$1,100. Some members of the bar have been very liberal and some of the Judges have been very prompt in replying to my request. I have just received a telegram that is warming my heart and promises good things, addressed to me in care of W. J. Landman. "I regret absence from meeting with good time to all. The Houghton County Bar will contribute \$200 to the Christianity Memorial and urge completion this year. A. T. Streeter." (Applause.)

The subscriptions thus far obtained, from which we have received notice, now amounts to \$829. It will be necessary to make these subscriptions something like \$1,100, immediately, or as far as this committee is concerned, it will cease to act. It has been much drawn out now for about four or five years, and it is now or never, and if they cannot raise the \$1,100 I think we had better return the money in the hands of the Secretary to those who have paid it in and allow the matter to drop. I think the Association ought to act now upon the matter, so that we may know whether the money should be returned. There have been subscriptions from Wayne County sent to the Secretary after his first appeal to the lawyers of the state, and I was in Detroit on Monday and had a conference with Mr. John C. Donnelly and he agreed to go with Hoyt Post and someone else to the various members of the bar there and secure the subscriptions and send that to me here, so it would be here yesterday. I expected it would be here in the hands of the Secretary. I

have been to the post office and sought to find out; it may have miscarried somehow. I presume there is a subscription in the hands of Mr. Donnelly for that purpose.

Those who have not subscribed may do so immediately after our adjournment, and I will wait until I hear from the various Circuit Judges; there are several who have not responded. They were all urged to do it, so we could have the reports here. I may get some returns from them on my return home.

President: You might authorize this committee, in case the money is provided within a short time, to proceed with the original plan and contract.

Judge Lockwood: Here is the written report which recommends, if the fund is made up, that a commission be given to Mr. Potter of Connecticut to make a bust similar to the one of Judge Campbell now in the law library. Mr. Potter is the brother-in-law of Mr. Charles C. Hopkins, and a man of national reputation. I think you have noticed in some of the magazines a review of his work much to his credit, perhaps the greatest man in the land since the death of St. Gaudens.

Judge Moore: He is the man who designed the statue of Governor Blair in front of the capitol.

President: The motion is made and supported that the written report of Judge Lockwood's committee which he has stated in substance be adopted.

The motion was put and carried.

(See Appendix for Report of Committee on Christianity Memorial.)

President: At the last meeting of the Association there was appointed a special committee with regard to the subject of costs in the Federal Courts, pursuant to a certain portion of the address of President Howard. I understand the Secretary has a report of that committee, of which committee Mr. Samuel T. Douglas, of Detroit, is Chairman.

Secretary: I have a letter from Mr. Douglas, Chairman

of that committee. The letter from Mr. Douglas is in the form of a report.

(See Appendix for Federal Court Oust Committee's Report.)

Mr. Patterson: I move the report be received and that this special committee be continued for another year. Motion supported.

The motion was carried.

President: I received, just before coming here, a letter which it was desired should be presented to the Association. I presume it may as well be done now as at any time, although it is not strictly according to our program. The letter is from Dan H. Ball, of Marquette.

(See Appendix for Mr. Ball's letter and Committee Report thereon.)

President: I would be glad to be instructed by the Association as to what disposition should be made of this letter.

Mr. Sloman: I move that it be referred to the Committee on Legislation and Law Reform.

Judge Lockwood: I support the motion with the understanding that the committee report tomorrow morning.

Mr. Sloman: I accept the addition.

President: Before putting that question I will say that that committee is composed of Judge Van Zile, of Detroit, as Chairman; Mr. Cavanaugh, of Paw Paw; Mr. Collins, of Bay City; Mr. Travis, of Grand Rapids, and Mr. Carpenter, of Muskegon, who are not all present. I think two of the members of the committee are present. The motion is made and supported that this letter be referred to the Committee on Legislation and Law Reform, with request to report tomorrow. The motion was put and carried.

President: That concludes the matters which are upon the program this afternoon. There are several announcements which I have been asked to make and which I would like to make at this time. It is desired that all who are present understand that the dinner this evening is tendered to us by

the Grand Rapids Bar Association and will be held at the Country Club at seven o'clock; that the cars which have been provided will be upon the track by the Peninsular Club at the corner of Monroe and Ottawa Streets at 6:45 and will leave at 6:45. This dinner is tendered to the members of the State Bar Association by the Grand Rapids Bar Association and is complimentary to all non-resident members of the State Association. It is desired, also, that I should announce that there is no rule about dress at this dinner. You will all go as you please, so far as that subject is concerned. There will be some present who will wear formal dinner dress and a number who will not, but no one will be embarrassed either way. The Secretary is provided with tickets for all the non-resident members of the State Association. He has endeavored to deliver these, so far as he could, but those of you not already provided will please apply to him, after the adjournment, and receive such tickets.

I am also asked to make this announcement; the Grand Rapids Association, in trying to provide entertainment for the visitors, has arranged for an automobile ride tomorrow afternoon. The ride to go through the parks, to the Soldiers' Home and through some of the prettiest sections of the city, in order that those of you who are not familiar with the city and surroundings may have a chance to become so. It is planned, also, that those who go on this trip, so far as they care to do so, will stop at some of the furniture factories, for inspection of the new line now on exhibition. It is quite important that those of you who are willing to go upon that trip give your names to the Secretary, so that proper arrangements may be made about the number of automobiles to be provided.

There is also one other matter which should receive attention this afternoon. It is customary to appoint a committee upon nominations of officers, so that it may be ready to report at the meeting on the second day. Will you indicate your desires in that respect?

Mr. Clapperton: I move that the President appoint a committee on nominations to report at the session tomorrow. The motion was put and carried.

President: The motion being carried, I will appoint as that committee, Mr. Clapperton, of Grand Rapids; Mr. Merriam, of Detroit; and Mr. Patterson, of Marshall.

Is there anything further to come before the meeting this afternoon. We have finished the regular program. It has been announced that some members of the Constitutional Convention propose to ask this Association to endorse the new constitution. If any of those gentlemen are present, with that plan in mind, we have perhaps half an hour this afternoon, or at least some time, which might be devoted to that purpose. I don't know how much time we may have at the session tomorrow.

Mr. Brown: We have not had a chance to meet, and we are not quite ready to offer a resolution to the Association asking it to endorse the new constitution.

Judge Cahill: I should think it would be very well, indeed, to spend the half hour that the chair has referred to, as being at our disposal, in considering this proposition. I should think the committee who had this matter in charge could very easily report a resolution that this Association recommends to the people of the state the adoption of the proposed new constitution. I will offer it myself.

President: If there is no objection, and I assume there would be none, such a resolution could be offered informally now by the member of the committee who is present, and tomorrow he could change the language as he desired after conference with his associates.

Mr. Brown: We are entirely satisfied with the offer made by Judge Cahill that we may be permitted to consult some members of the Association. In substance, we ask the Association to endorse the new constitution and that they endorse it to their constituents.

President: It may be taken as a resolution now informally

offered, that this Association be asked to endorse the new constitution and recommend it for adoption. That, I think, may be considered as supported, because two different members of the Association have made it.

Judge Cahill: I take it for granted that every lawyer speaks for it. If he don't, I would like to hear him say so and say why.

President: I think the idea in offering this resolution now is so that we might have some discussion, if anyone desires discussion.

This motion is now to be put before you, it being understood that the mover of the motion is to formulate it in more careful and exact language tomorrow. The motion is that this Association approve of the new constitution and recommend it to the voters of the state for adoption.

(Following is the resolution as drawn later by Mr. Brown:)

Resolved, That the Michigan State Bar Association endorse the proposed constitution and urge the bench and bar of the state to recommend its adoption.

The resolution was adopted.

President: We have received a telegram from Judge Grosscup announcing that he will reach here this afternoon about 5 o'clock, so it is certain that he will be here both for this evening and for tomorrow. I do not need to urge you not only to be present at the session here tomorrow, but to bring your associates and others, so far as you can. I have no doubt it will be worth hearing. We ought to fill up this room.

Mr. Clapperton: I presume it is entirely fitting and proper that not only bar members but laymen be asked to come here.

President: Yes. I think some announcement of that kind ought to be made in the papers in the morning. The speeches of Judge Grosscup are always interesting.

Motion to adjourn was put and carried.

(Meeting here adjourned until ten o'clock Friday morning.)

Friday, June 26th, 1908, 10 A. M.

President: The meeting will please be in order.

I am sure that after our experience of last evening, you do not need any introduction to Judge Grosscup, who is to speak this morning. Without any formality, therefore, I will ask Judge Grosscup to step upon the platform and address you.

(See Appendix for Judge Grosscup's Address.)

President: I presume the same thought is in the minds of all, and there are so many of you who would like to make the identical motion, that I will assume that it is made. All in favor of extending to Judge Grosscup our thanks, not of formal gratitude, but our hearty, heartfelt thanks for his most delightful address, please rise.

No one is opposed.

Mr. Sloman: I would suggest that we take a recess of five minutes to extend our personal felicitations to Judge Grosscup.

(A short recess was here taken.)

President: The program, as published, provided for a session this afternoon, but there is nothing of special importance, so far as we are aware, to be brought up under the head of miscellaneous business, and it seems better, if possible, to finish up the session this morning. By so doing the afternoon may be quite free for those who will take the automobile ride, for which provision has been made. If there is no objection, we will proceed with not only the regular program, but also with what might otherwise be considered this afternoon.

Mr. Hyde: I understand that the speech of Judge Grosscup has been taken by the stenographer. I have consulted with Judge Grosscup about publishing his address, and he says that he is willing to have it done if we will send him the stenographic report for correction. I therefore move that the bar association of this state publish the address of Judge Grosscup.

President: I suppose that means a reasonably prompt publication, in separate form. It will be published, anyway, in the proceedings.

The motion was put and carried.

President: There are some committees to report, on matters that were spoken of yesterday. I will ask for those in no particular order.

President: In reference to the letter of Mr. Ball, which was referred to the Legislative Committee.

Mr. Travis: We have the report signed by two members of the committee,—all of those in attendance at this meeting.

(See Appendix for letter from Mr. Ball and Mr. Travis' Report.)

Mr. Travis: I may say, in explanation, that the manner of preparing a record upon appeal, as provided by this new act, would seem to involve a literal transcript of the testimony, or at least a literal transcript of such parts of the testimony as are material, instead of settling the case on appeal, embodying the substance of the testimony as under the previous practice. It has seemed to the committee that that change was inadvisable. Perhaps the only thing to which attention should be given, in the existing law, are the ones to which we refer with regard to proper safeguards and the requiring of a bond, and possibly shortening the time within which appeals might be taken.

President: What will you do with the report, gentlemen?

Mr. Sloman: I move that it be received and the recommendations concurred in.

The motion was put and carried.

Mr. Kinnane: I wish to offer a resolution. I have in mind, in offering it, that we have, through the Supreme Court, promulgated a code of ethics that is published. I offer this, not in derogation of that code, but perhaps in supplement and emphasis. The resolution is as follows:

Whereas, In the opinion of this Association, there should, in addition to the brief code heretofore promulgated by our Supreme Court, be formulated from some authoritative source, some embodiment of the general principles which should control the lawyer and

the practice of his profession in its moral and ethical aspects; and,

Whereas, Such a code has been embodied in statutory enactments in various states, notably, the states of Oregon and California; Therefore,

Be It Resolved, That the Committee on Legislation of this body be and is hereby authorized and directed to formulate such a statutory code and present the same to the next legislature for enactment.

Be It Further Resolved, That this body recommends as a portion of such enactment, the following oath of admission, viz.:

"I Do Solemnly Swear: I will support the Constitution of the United States and the Constitution of the State of Michigan; I will maintain the respect due to courts of justice and judicial officers; I will counsel and maintain only such actions, proceedings and defenses as appear to me legally debatable and just, except the defense of a person charged with a public offense; I will employ for the purpose of maintaining the causes confided to me, such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law; I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with his business except from him or with his knowledge and approval; I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged; I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice. So Help Me God."

This is the oath formulated and recommended by the committee of the American Bar Association.

I move the adoption of the resolution.

Mr. Black: I am heartily in accord with the form of oath which the American Bar Association has considered and recommended which has been read by Mr. Kinnane, but the question of incorporating into the statute a code of ethics to govern lawyers, I think is a matter which we should consider very carefully before we recommend it. A man's obligations, ethically, should rest upon moral principles. I do not believe that a statute asking or calling upon the lawyers to recognize these rules will ever be conducive to the uplifting of the standing of the lawyers. I would suggest that this matter if referring this to a committee be, in some way, divided so

that the oath, which is a proper subject of legislation, should be recommended, but that the broad question as to what course may be taken in reference to the code of ethics should be left entirely to the committee, without the direction that it be incorporated. I, for one, believe that the lawyer will never be induced to do what he ought to do, ethically, by any statute. The lawyer who is called upon to act ethically, because the law says he must so act, will never keep the law.

Mr. Keeney: I move as an amendment that the entire subject matter be referred to the Committee on Legislation and Law Reform for consideration and report at the next meeting.

Mr. Kinnane: I accept that amendment.

The motion was put and carried.

Mr. Stevens: I am not sure that we have reached the proper order of business for the motion I am about to make, but I am sure that no one will object to its being presented now. I move you that the thanks of the Michigan State Bar Association be extended to the Grand Rapids Bar Association for the excellent treatment that they have accorded us here.

Mr. Sloman: I support the motion. I think that the Grand Rapids Bar Association has done itself proud in the splendid entertainment they have furnished to the members of the Michigan Bar Association. I am sure I voice the sentiment of everyone here who attended that splendid dinner of last night and indulged so largely in the mental and material food that was presented to us, when I say that we will go home feeling that we have attended one of the pleasantest sessions in the entire history of the State Bar Association.

The motion was put and carried.

President: There remains upon this informal program the report made by Judge Jewell yesterday.

Mr. Wilson: As I remember it, Judge Jewell brought two matters up for consideration; one the matter of the inconsistency in the statute, in regard to the duty of the

probate judge in advising people having business with his court, and the other relating to some change in regard to the trial of contested cases. I think these matters should be considered separately, and I would move that this report be divided.

The motion was supported.

President: Divided, I take it, into two parts; first, with reference to the subject matter referring to the conflicting duties of Probate Judges, and second, referring to the proposition to make one trial, instead of two, in the Probate and Circuit Courts, in certain matters.

The motion was put and carried.

President: The first portion of it is now before you, referring to the duties of Probate Judges.

Mr. Wilson: As far as that part is concerned, I think that the Bar Association feels that those inconsistencies should be eliminated and that Judge Jewell's idea is the one that we want adopted. The Probate Judge should be a judicial officer and not an advisory of litigants in his court. I therefore move that this matter be referred to the Committee on Legislation and Law Reform with instructions to use all legitimate means to have the statutes which are conflicting, reconciled and so framed that the Probate Judge shall not be under any obligation to advise litigants, but shall be entirely a judicial officer.

Motion supported.

Mr. Perry: There can be no question in regard to what should be done in this matter. I fail to find any law that says that the Probate Judge shall be an adviser. I do not believe there is any legal requirement for them to advise people in settlement of estates, any more than there is for a Justice of the Peace to offer advice to parties who come before him. I think we should pass a resolution to the effect that if there be any law that allows a Probate Judge to give counsel, that it be stricken from the statute.

Mr. Wilson: I think that would be the effect of my motion.

The motion was put and carried.

President: There is now before you the second part of the report, referring to the subject of some plan by which there may be one trial, instead of two, in Probate and Circuit Courts, upon the same issue.

Judge Lockwood: I move it be referred to the Committee on Legislation and Law Reform, without recommendation, for such action as they may see fit to give it.

Motion supported.

Mr. Sloman: I would like to ask whether there is a provision of the statute which provides for a jury in the Probate Court on the hearing of probate matters. I have never yet heard of a jury being summoned in Probate Court. The matters are heard by the Probate Judge. I will be very glad to know from the committee whether there is any provision of law which provides for a jury in Probate Courts.

Judge Jewell: I don't understand that there is any provision of law at the present time that allows a jury in cases of that kind. There are only three or four hearings before which a trial by jury may be had in Probate Court, and those are specially provided for by statute. The committee was of the opinion, at first, that a constitutional amendment might be necessary in order to provide for a jury in Probate Court, but upon further consideration we think that would not be necessary. The legislature may have power to provide a method by which the Probate Court can summon a jury to pass upon questions of fact, but in view of the conditions in many of the counties and the possible difficulty in having the practice in one county different from that in another county, where the summoning of a jury before the Probate Court might not be advantageous, it was thought that the second method suggested might be the most advisable. In making that suggestion, the committee does not intend to make it obligatory to have all contested cases certified to the

Circuit Court, but that there should be a provision whereby, when the interest of the estate seems to demand it, there would be authority vested in the Probate Judge to certify the case to the Circuit Court, to be tried, in the first instance, before a jury and then, if an appeal would lie, to be heard in the Supreme Court. It is a fact, that in many cases the trial before the Probate Court is superfluous, inasmuch as there is no opportunity for a jury. Many lawyers do not want to submit their case to the Probate Court without getting the benefit of everything that is possible to get, by way of decisions, from a lower court. In such cases it is necessary for them to go through the long, tedious trial before the Probate Court, with the knowledge that as soon as the case is finished there, one side or the other will take an appeal to the Circuit Court, in order that they may get their case before a jury. This causes additional time, trouble and expense that might be avoided. It would be advantageous both to the lawyers and to the parties litigant if the case could be disposed of by a provision that in those cases the Probate Judge might have authority to certify the case to the Circuit Court, for trial, in the first instance.

Judge Moore: I hadn't thought to take part in the discussions of the meeting, but I would like to offer one or two suggestions. I think we are all agreed that a speedy adjustment of estates is very desirable; not only is litigation expensive, but the delays work great hardships. I think we all agree with the committee. Now, what should be done to remedy it? The committee has suggested two remedies. Judge Jewell has stated some reasons why he thinks the matter of having the case certified directly to the Circuit Court would be preferable to the other suggestion of the committee. I think there are other reasons that might be offered in favor of that position. If all of the Judges of Probate were as thoroughly equipped, legally, as is the Probate Judge of Kent County and the Probate Judges of some of the other leading counties of the state, they would be quite as

well qualified to try the issues presented in those contested cases, as the Circuit Judges; but, unfortunately, it is not true that all of the Probate Judges of the state are learned in the law. Again, I think in most of the contested cases the lawyers generally prefer to take the judgment of the jury to the judgment of the court. The machinery already exists for getting a jury in the Circuit Court, and Judge Jewell has already suggested that there is no provision for a jury trial, as the law now exists, in this class of cases. If the court of last resort is to pass upon the question, we all understand very well that that is a court of review and will consider only the questions which were considered in the trial court, it seems to me that there are many reasons why, if action is to be taken, it should be along the line of having these cases certified to the Circuit Court; then the case will be in a position to be speedily heard, upon a writ of error.

Mr. Sloman: The conditions in the City of Detroit are perhaps different than they are in any other county in the state. We have there a judge who is an able lawyer, and some of the evils that are present in other counties, where the Probate Judge is not even an attorney, do not exist. The matter in question is very much like cases that come before the Justice Courts. The only difference between trying a matter before a Justice and trying it before the Probate Court is that in the case of the Probate Court the matter may be of much greater amount than that before the Justice. It seems to me that the bar, as a whole, would far rather have the privilege of appeal to the Circuit Court; there to have a trial before a court familiar with the rules of law, giving parties litigant an opportunity to take their exceptions so that they can have them in the court of last resort.

Mr. Perry: I move as an amendment that it is the sense of this Association that the law should be changed so that questions of fact may be certified, upon application, by the Probate Court to the Circuit Court for trial, in the first instance.

Motion supported.

President: The motion is made and supported that it be expressed as the sense of this Association that the law should be so changed as to make some provision for certifying from the Probate to the Circuit Court certain issues in particular cases.

Mr. Cummins: It seems to me that the amendment should prevail. The suggestion of Mr. Sloman, that the Probate Court is analagous to the Justice Court does not seem to me to be quite true, for the reason that it is much more common to find the Probate Courts occupied for great lengths of time in the trial of issues of fact, than it is to find the Justice Courts so occupied. I recall now two cases where the Probate Courts were occupied for some three or four weeks in the trial of the question of the sanity of an individual, with the full understanding on the part of everybody, that that question of fact would not be determined finally in the Probate Court, but that an appeal would be taken. It seems to me that such a waste of time and money should be provided against and that we should take speedy action looking to protection against such waste. It seems to me that the substitute motion should prevail and that the committee on Legislation and Reform should be instructed to draft a bill and endeavor to secure its passage, in harmony with the idea embodied in the motion and amendment.

Judge Cahill: I agree with the suggestions made by Mr. Perry and by Mr. Cummins, but it seems to me that the motion does not go far enough. The motion says that issues of fact shall be certified to the Circuit Court. Does that mean in every case where questions of fact are reported?

President: As I understand the motion, it is only general in form, that this Association express its sentiment that there should be an amendment in the law by which some suitable provision should be made, by certification in proper cases,—leaving it without any definite expression by us, at

this time, as to the detail, but only as to the general principle.

The motion was put and carried.

President: The auditing committee appointed yesterday to consider the Secretary's and the Treasurer's reports?

(See Appendix for Auditing Committee's Report.)

Mr. Clapperton: I move that it be accepted, adopted and filed. Motion seconded.

The motion was put and carried.

Mr. Sloman: I have received from Mr. Pratt his report and am requested to read it to the organization.

(See Appendix for Report of Committee on Special and Local Legislation.)

The report was accepted and adopted.

President: There is also a report of the committee on nominations which was appointed yesterday; is that committee ready to report?

Mr. Clapperton: The members of the Nominating Committee unanimously recommend the following named persons as candidates for the respective offices of this Association..

(See List of Officers, for recommendation of Committee.)

President: What will you do with this report, gentlemen?

Mr. Clapperton: I move that the rules be suspended and that the Secretary cast the ballot of this convention for the nominations.

The motion was put and carried.

Secretary: I have the report from the committee appointed yesterday, consisting of Mr. Colgrove, Mr. Sloman and myself, in regard to means of increasing the membership of the Association.

(See Appendix for Report of Committee to Increase Membership)

I asked permission from Mr. Colgrove and Mr. Sloman to say in addition to this report that the membership of the Association at the present time is the largest that it has been in our history, 617 members. I have here the reports from Ohio, Iowa, Illinois and Indiana. The state of Ohio has 800 members in its association; Iowa has 500; Illinois has 900, and Indiana has 450 members.

Judge Stuart: I move the report be accepted and adopted.
Motion supported.

Mr. Hyde: To increase the membership of the Bar Association of the state it is desirable to go ahead in a business-like way. I make the suggestion, that instead of asking an attorney to canvass certain sections of the state, paying his expenses, we employ somebody, pay them for their time, and have that person make a business of it. Give him a part of the first year's fee, for instance.

The motion was put and carried.

Mr. Cummins: I would like to suggest in addition to a campaign for membership, that the members of the Association who are here, make a campaign for advertising the attractiveness of our meetings so that we shall have a larger attendance at the meetings. It is too bad that the bar of Michigan is not more liberally represented at this magnificent gathering. We have been so well taken care of and we have had such splendid treatment and such helpful addresses, that I feel that it would have been worth much, if a large portion of the bar of Michigan could have been here. Can't we advertise the attractiveness of these sessions so as to have a larger attendance?

Judge Moore: In that connection I take it that this magnificent speech of Judge Grosscup's will be published in the reports of this meeting; if the Secretary will incorporate in the circular, referred to in the report just adopted, a reference to that speech, calling attention to the fact that this Association is responsible for the delivery of one of the greatest addresses of the year, and that it is the work of the Michigan Bar Association which has produced that result, I think it would cause people to feel interested in the work of these meetings.

Motion to adjourn was put and carried.

APPENDIX.

PRESIDENT'S ADDRESS.

LEGISLATION AFFECTING THE LAW OF NEGLIGENCE.

Arthur C. Denison.

I invite your attention, at this time briefly and hastily, but I hope during the coming months, carefully and deliberately, to a very live topic. I refer to legislation affecting the law of negligence and to the attitude of lawyers, and particularly of this Association, toward that subject.

In this state, within my recollection, the law of negligence has maintained rules and forms substantially the same, excepting as there has been gradual evolution by judicial construction in different branches. There has been some legislation, but it has been comparatively unimportant, not affecting vital matters; and today our rules of liability and exemption are in the main the common law rules. Some statutory additions, like the death act and the survival act, have been in force so long that we almost think of them as part of the original structure.

There are signs of change. The weather man might say that an area of low pressure is moving in our direction. Many of the states have modified some of these rules, and it is familiar to us all that Congress has now passed an act, which, if sustained, will result in distinct changes in the daily practice of us all. I can have no doubt that this statute, the so-called Employers' Liability Act, passed at the last session of Congress, will be followed by further Federal legislation, at least of an explanatory if not of a substantive character.

To illustrate what will probably, if not certainly, lead to such further legislation, I comment briefly on some features of this act.

First. After having made reference to railroads as common carriers engaging in commerce between the states, etc., it declares a liability for damages to any person suffering injury **"while he is employed by such carrier in such commerce"** by reason of negligence, etc. The carrier will be liable if injury occurs while the employe is employed in such interstate commerce; otherwise not. Here is a phrase subject to great diversity of interpretation, and there are likely to be as many interpretations as there are courts. Many of these questions so arising would be wholly new, since, under this act, they may be brought, I take it, in the State Courts, or in the Federal Courts, or they may be transferred. State courts may differ, and in a short time every member of Congress will have urgent petitions that the law be amended so as to declare its meaning, according to the views and interests of the petitioners.

Second. Lawyers in this state are thoroughly familiar with the distinction between the cause of action given by the "death act," so-called, and the cause of action which accrues to a person from an injury while living and which thereafter, upon his death, survives to his representatives. The draftsman of the Employers' Liability Act, although it is attributed to a very eminent source, did not seem to be familiar with this distinction. If a cause of action accrues under this act, so that its very existence depends on the act, as, for example, if based on the negligence of a fellow-servant, and if, either before or after action is commenced, the injured person dies, either as a result of the injury or from independent causes, will the cause of action survive? Not until there is a judicial construction by the court of last resort can any one answer this question with certainty. The language of the statute is that the carrier—

"shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce,

or, in case of the death of such employe, to his or her personal representatives, for the benefit of the surviving widow or husband and children of such employe; and if none, then of such employe's parents; and if none, then of the next of kin dependent upon such employe, for such injury or death resulting in whole or in part from the negligence," etc.

The correlative question is whether the act creates a cause of action for death resulting from negligent injuries as distinguished from the cause of action which accrues to an injured person. If we remember that no such action exists at all, unless created by statute, and that our state statutes creating such liability would not apply at all in many cases under the Federal statute, we can see that this question is not free from doubt.

Third. What is the measure of damages in actions under this statute? The act itself does not prescribe any measure of damages, except for the intimation that, in case of death and for lack of any of the specified beneficiaries, there might be no damages,—a result which our legislature has thought to be unrighteous. State statutes upon this subject could doubtless be invoked in some cases, but in other cases, wholly dependent on and non-existent except for this statute, their applicability would be doubtful.

Fourth. The act provides that the liability shall result in case of injury or death, "resulting in whole or in part from the negligence," etc. What is the force of these words "in part"? Is anything left for the doctrine of proximate cause? An injury or death which is, under our rules, the proximate result of the negligent act, is, in a very fair sense, wholly the result of a negligent act, and from that point of view the words "in part" can have no force, unless they refer to results which would not be proximate results under our established rules of construction. Very likely these words have been judicially construed in some statutes in other states;

I do not know; but I believe the question would be new in our courts or in the Federal Courts under this statute.

I call attention to these things, not by way of adverse criticism, but to emphasize the idea that there will be further Federal legislation along this line. I regard such legislation in our state legislature as equally inevitable. Doubtless many members of the recent Constitutional Convention will be members of the next legislature. Proposals were made in the Constitutional Convention for the insertion in the new constitution of provisions on this subject. These proposals were very properly rejected as pertaining to matters of legislation and not of fundamental law, but, without doubt, they will be renewed in the legislature.

Then, too, complications innumerable will arise out of the enforcement of the Federal statute in the ordinary case in which a liability will be asserted under both the Federal law and the existing state law, and, hence, it will be very difficult to preserve any distinct line between the two. If the liability can be established under the state law, suit may be brought within a much longer time than if at the end of the trial it is found that the liability rests only on the federal law, since, in the latter case, the suit must be brought within one year; and nearly every section of the federal law will raise questions, which, in the supposed case sought to be prosecuted under both laws, will be embarrassing.

Then, too, it will not be long tolerated that one class of employees may recover damages, while, under exactly similar circumstances, another class may not. It is a mistake to suppose that railroads are the only parties interested as defendants in such cases. Every farmer whose team, through negligence, runs away and hurts some one; every municipality which maintains a dangerous roadway or sidewalk; every manufacturer, the negligent use of whose machinery injures some one, is also vitally interested as an employer, and the workmen for all these classes are vitally interested as employees. The pressure upon the state legislature to make the rule

uniform will be very strong, speaking for the moment only of that pressure which comes from self-interest and entirely aside from the influence of disinterested public opinion.

These are not the only reasons why I believe such legislation to be inevitable. I believe, also, that within limits and to a certain extent, legislation on this subject is right and is demanded by the best argument. For illustration, I have no hesitation in stating my personal belief, for what it is worth, that the fellow-servant rule is, in many instances of modern conditions, unjustified by such conditions; that it is based upon reasons which are antiquated and obsolete, and that it should be vitally modified, if not abolished. I think no one now believes that the negligence of a workman in one department ought, of right, to be considered as the negligence of a workman in another department who, perhaps, did not even know of the existence of the negligent man; yet such is, or may be, our present arbitrary rule; and it seems to me absolutely logical that, if the rule of **respondeat superior** is to stand, and if a master is to be liable for the negligence of his servant, he should not be excused because the injury happens to one who, under our elastic and far-reaching definition, is a fellow-servant.

If this rule is materially modified by legislation, the number of cases of lawful recovery for negligent injury would be increased. On the other hand, I believe just as thoroughly that the prosecution of actions for negligent injury upon speculation or upon shares should be stopped. I believe that this practice as carried on, very commonly with the tacit approval of the profession, causes the creation of a great number of causes of action which do not in fact exist, teaches the parties a familiarity with perjury, gradually leads many of the profession into a frame of mind where their chief object is to find somehow or anyhow evidence which is necessary, and as much as any other one thing, tends to create lack of confidence in the courts and a wrong public feeling. Every one of you has defended, unsuccessfully, cases of this class,

and after the result has freely expressed in your community your opinion, a highly derogatory opinion, upon the state of the law that permits such things to be done, and every time you do this, you help to lessen the general public confidence. I do not for a moment say that an injured person who can not pay for legal services should have no redress, but I have yet to hear any reason why such an arrangement as is provided by the statutes and rules of the Federal Court for suits for poor persons would not bring about the administration of justice in every case. If the taking of such cases on shares were prohibited, and it was provided that the attorney should have a lien on the proceeds, this amount to be fixed by the court and to be a liberal compensation in view of its contingent nature, no party would have any difficulty in getting his case prosecuted by good lawyers; and juries would not double the verdict so that the plaintiff might get something too.

I believe then that there should be legislation upon this subject; and what better place for such legislation could there be than in connection with and as a part of an act which in some other respects might broaden existing liabilities?

It goes without saying that this subject cannot be opened without opening also the questions of contributory negligence and assumption of risk which are, indeed, only different phases of the same general question. The federal statute undertakes to abolish the rule of assuming the risk and modifies the rule of contributory negligence by providing that in cases of contributory negligence "the damage shall be diminished by the jury in proportion to the amount of negligence attributable to such employe." I presume that most of us would approach this question with great hesitation; many of us probably would prefer not to approach it at all; but the question is approaching us, and we can no more avoid it than we can avoid the next and future sessions of the legislature. I do not propose to enter on any discussion of the merits of his portion of the subject; many of us firmly believe that the

existing rules of contributory negligence should not be modified in the slightest degree and that in their present form they constitute little enough protection against unjust results. Others doubtless regard with favor the theory of comparative negligence, but this is not the time or place for an argument on the subject.

The only point I have been endeavoring to make is that some modification of existing rules is certain to take place at the next session of the legislature, or at some other session in the near future, and the question is, what attitude, if any, this Association should properly take upon this subject? Should the lawyers of the state, as a body, represented by this Association, take a negative position and simply object to and oppose such changes as they do not approve, or should they take an affirmative position and do what they can to lead and formulate public sentiment and legislative action, so that they will be a constructive force? It is the purpose of this paper to urge upon you the adoption of the latter view and the forming and adopting of some plan by which your Association will be committed to and will stand for such changes as may be advisable on this line, and at the same time, by the same means, will most effectively oppose and defeat radical schemes and proposals, the result of ignorance or prejudice or both.

Lawyers are said to be conservative. This is true. All their education and training tend to produce this result; and it is well that this should be true. But it is also true that the wisest conservatism recognizes a necessity for a change and best preserves the substance of existing rightful conditions by accepting gladly and by guiding wisely such modifications as changing conditions require. We have distinguished present day political authority for this proposition; but it will be conceded by us all without argument and without authority.

Such a question as I am considering, that is to say, the extent to which the law of negligence may well be modified

by statute, is not properly a political question and ought not to be allowed to become a political question. In my judgment the surest way to put such a question into politics, and to put it in the way of being decided, not by careful, intelligent reasoning, but by prejudice and by desire for votes, is to oppose all modification and to stand pat upon the perfection of the present rules.

We have a recent illustration in the history of what is called the Bailee law. As you all know, the Supreme Court had so construed existing laws that it applied one rule of damage if a man was instantly killed, and another rule of damages if he survived five minutes after the injury. This result was, upon its face, absurd, not as a matter of judicial reasoning, because we may assume that the result was an imperative sequence from the awkwardness of the legislative expression, but absurd as a result in and of itself. Without doubt, one or the other of these statutory rules should have been changed so that they might be in accord. It was probably less important which one was changed than that the anomaly should be removed. The Bailee law made a change in the survival act to bring it into harmony with the death act, and, perhaps carelessly or perhaps with purpose, it makes no difference which, used language so general as to accomplish, in an occasional case, serious injustice. At the next session it was proposed to repeal this law. Some of those who opposed the repeal were not willing to consider a modification or revision going far enough to remove what seemed to many a just cause of complaint, but retaining the act in other respects. These opponents insisted that the law should stand as it was without modification. The result was that the question became a political one, and I expose no state secrets when I say it was determined, in large part, not upon its merits, but by the test whether the repeal would help or injure the political fortunes of certain individuals. I am using this case only as an illustration. I do not mean to express any opinion as to whether, upon its merits, the act of repeal

should or should not have been passed; it would not be fitting for me to do so; I am only illustrating the idea that a strict adherence to the doctrine of standing pat is likely to accomplish not conservative results, but radical results.

So, in this matter, there can be no surer way to bring about an entire upheaval in the statutory rules of negligence than to insist that the present rules must be let alone and should not be, in any respect, revised or altered. There can be no surer way to prevent such entire upheaval than to recognize, in a reasonable degree, the demand for some change and to guide this sentiment into a really conservative and logical disposition of the question.

It ought to be quite possible for the sentiment and opinion of the lawyers of Michigan on a subject like this to be united and fused into some common form, which should fairly represent the average of the most intelligent reasoning and opinion. It ought to be quite possible to find and formulate common ground upon which nearly all would be willing to stand, this one yielding a little of his personal opinion in one direction, and that one yielding a little in the other direction. It ought to be quite possible for the lawyers to reach such a result without the sacrifice of any principle, and to have a result which the most sober and deliberate judgment of nearly all would approve.

It is an unfortunate fact, that the judgment of the profession, that is, the collective judgment of the profession, has so little to do with the shaping of legislation. This is not true of individual members, because the greater part of the legislation accomplished comes from the initiative of individual legislators who are lawyers, but it often happens that those who as members of the legislature are most forceful, and impress their views most successfully on their fellow-members, are not fairly representative of the profession, and do not speak the general sentiment of the profession. Those lawyers who could best speak that general sentiment are too much engaged in other matters to do so. They stand aside and

pay no attention, and then, perhaps overturn the act because it was so carelessly drawn as to be unconstitutional, or at least exercise their privilege of commenting vigorously on the lack of comprehension of the subject indicated by the act.

It is contemplated by the constitution of this Association that we should observe and influence pending legislation. To this effect a standing committee on legislation is provided. At some sessions of the legislature this committee has been active, at other sessions it has been not at all in evidence, and even in the former class of cases, and with a membership which has given a large amount of time and effort to its duties, I doubt whether it has been able to accomplish anything like what this Association should be able to accomplish. I venture to suggest that this is in part because its field is too broad. It can not accomplish very much. No committee can accomplish very much in too many different directions. I suggest also that, while the policy of this committee should be continued, and while its general work should be encouraged, the Association can be most efficient by selecting, from time to time, specific subjects of legislation and largely concentrating its efforts on such specific subjects. In this, as in all other fields of effort, one thing at a time is enough.

I lay before you, also, my belief that there will not be a better opportunity to make your influence felt and to accomplish a good result for the community and for your profession, and for the law itself, than is now presented upon the subject-matter which I have discussed, and I urge you to devise and adopt some plan, not now, in haste or without careful consideration, but later, after every opportunity for deliberation, which will enable you: first, to ascertain and find that common ground upon which you can all stand; and, second, standing on that common ground, to lead and guide legislation on this subject, to the end that the real efficiency and essential justice of our law of negligence may be preserved and not destroyed.

ADDRESS

THE CORPORATION PROBLEM; NOT SO MUCH AN ECONOMIC AS A HUMAN PROBLEM.

HON. PETER S. GROSSCUP,
of Chicago, Ill.

Judge, United States Circuit Court of Appeals.

Mr. Justice Field, of the Supreme Court of the United States, who was not very fond of Justice Gray, told me on one occasion that whenever the Supreme Court went into conference, and the Chief Justice had stated the legal questions at issue, and it came Judge Gray's turn to express his mind, that Judge Gray would say, "Mr. Chief Justice, has this question ever been before this court?" And the Chief Justice continuing, "I think not." Judge Gray would continue, "Well, can you tell me whether it has ever been before the House of Lords?" "No, there is no reference in the brief to any case in the House of Lords." "Well, I know it has never been before the Supreme Court of Massachusetts, so I regard it as an open question." (Laughter.)

In the court over which I have the honor of presiding we have a habit of looking to the decisions of some of the states with considerably more favor than we do to the decisions of other states; and we are always happy, when on any question before us, we can find an expression from the Supreme Court of Massachusetts, or the Court of Appeals of New York, or the Court of Errors of New Jersey, or the Supreme Court of Wisconsin, or the Supreme Court of your State of Michigan. (Applause.)

The decisions of Michigan, along with the decisions of these and some of the other states, while of course they are not authority in the Federal Courts, are always illuminating, always helpful. And I think that is due as much as anything else to the character of the bar that the state furnishes. If a bar is a conscientious, painstaking, able bar; if the lawyers of the state appreciate and perform the duty that they owe to the courts,—that of helpfulness, because that is the place of the bar before the bench,—it will develop men who themselves are men of equipoise and balance, and who, carrying the characteristics, and the industry, and the temperament, and the ideal of the bar to the bench, will make a great court; and so I am glad to be among the lawyers of Michigan who have given to this state, and through this state to the cause of jurisprudence everywhere, so helpful a benefit as I know that the decisions of the Supreme Court of Michigan have been.

I wish I could have come to you with a set address. A State Bar Association deserves a preparation that is more than merely the assembling of thoughts that one has had at different times and on different occasions. But my engagements have been such that I could not do that; and I shall have to be content to present to you, the lawyers of Michigan, and in the way in which it happens to occur to me as I go along, thoughts that I have had upon a very important subject, a subject that has engaged and is still bound to engage the thought of the American people. It is not a professional subject. Usually these meetings are given up to professional subjects. This is not a professional subject. I intend to appeal to you as lawyers, but rather as lawyer citizens. I am going to talk on your civic duties,—not so much your professional as your civic duties; your civic duty in the education of the people of this country upon what I regard to be the most important, the most threatening in some respects, and at the same time the most pressing public question before the people at this time.

It is unnecessary for me to take a body of lawyers back

over the history of the evolution of civil rights. The bar knows by reading, by study, by experience, by a sympathetic appreciation of history what a long struggle the individual human being has had to emancipate himself from the conditions in which the earlier ones found themselves,—to achieve individual human civil rights. Nor is it necessary for me, in that same connection, to take you back over the history that has transmuted civil rights into political power; the course of events that through the centuries of revolution,—the peaceful revolutions being much more powerful than the armed revolutions,—have taken power away from the few and given it to the many; have evolved the individual man out of the mass, as a wielder, a sharer, a participator in the political power of the country. This country stands as an example before the whole world of what can be done with a human being. Nor shall I take you over the history of the development of the individual man in his participation, by instinct and ambition, in the proprietary relations of life, the diffusion of property,—not any artificial or socialistic division of property,—but that diffusion of property which comes from the stimulating and developing of individual ambition. This country again stands the example to the world of what can be done thus with the individual man, however humble may be his birth, or however narrow and retarded may be his early surroundings. And in this country it found its chief, one of its chief agencies in our homestead and exemption laws. When land was the chief property of the country, instead of looking to its division into large estates or patrimonies, as the early colonists of New York and Pennsylvania divided it up, and as it would have been divided if the policies of the mother countries had been carried out before independence and self-government were achieved by our forefathers, the homestead and preëemption acts operated gradually, step by step, to open up the public domain to the individual man; so that upon seven billions of acres and more that belonged to the government, capable of cultivation, there are now forty millions of people living in these middle states, every one

of whom, either through himself or through the head of his family, is a proprietor. The wisdom of our fathers saw the necessity of the peoplization of the public lands; for, as oxygen purifies water, as oxygen is necessary to life in the air—without it there would be no life, everything falling back into the dead mass of chaos—the introduction of the popular spirit, the introduction of the people, the introduction of the individual man, his ambitions, his instincts, his aspirations, his hope for himself and for his family, to build up for himself and his children an independence, has achieved all there is in civil rights, has achieved all there is in popular government, has given us what Lincoln called “Government of, by and for the people,” has achieved all there is in property, as property stands as a national possession, a blessing to civilization as well as to the individual man.

Now, with those thoughts in mind as the background, with that predicate upon which to start, I wish to invite your attention to what appears to me to be the vital aspect of the so-called corporation question—the so-called corporation problem in this country.

The corporation as a dominant national institution has come within the last twenty-five years. The corporation has been here in an incipient or sporadic state for seventy-five years, but the corporation, as a great instrument, has come within the last twenty-five years. And the corporation has become an institution charged with blessings, without which we could not do, as well as charged with problems that engross the public attention. It has supplanted slavery as a public question. The institution of human slavery gave rise to all the questions upon which the people of this country divided prior to 1861. It gave rise to states rights; for states rights as an abstract doctrine would never have found lodgment anywhere in the minds of anybody; it was because it had a concrete application that it found lodgment and became a burning question. It gave rise to the sectional divisions upon the tariff and upon nearly every national question that arose within the first three-quarters of the

century that has just gone by. And as national slavery was the practical existent human fact out of which grew all the problems and all the questions of our ancestors, this institution of the corporation is the existent human fact—the great fact of this generation—out of which are growing all our questions. We talked last night upon the subject of anti-injunction in labor troubles. There would be no labor troubles in this country if it were not for the corporation on the other side. We have had legislation during the last few years known as the Interstate Commerce Act, the Employers' Liability Act and other acts that looked at, in a small way, and from a small angle, cause those questions to stand out as important questions by themselves. They all emerged out of the corporation. Every one of them is an offspring of the corporation. The corporation as an instrument of holding property, as an instrument of wielding American energy, as a way in which civilization is pushing its way forward to the benefit of mankind, is, I repeat, the great fact of this generation. And we must, as lawyers, and we must as citizens, when we come to the discussion of that question, recognize this as the great fact, and having the fact thus before us, apply our remedies, give to it our analysis, to see what can be done for the future.

The corporation at the present time embodies nearly, if not quite, one-third of the entire wealth of the American people; and that one-third, too, the part that is constantly in the public eye,—that like a stream is constantly running before your door. Besides employing one-third of the country's wealth, the corporation embodies one-half, or nearly one-half, of the country's human beings. It is said that in the mechanical trades alone there are now over twelve millions of Americans employed (and nearly every man employed in a mechanical trade is employed in some corporate enterprise), and if you will multiply twelve by the number of people who are dependent upon the bread-winner, you will have from forty to forty-five millions of our population who are getting their bread every evening out of a corporation treasury; whose

relations in life are directly with a corporate employer; who are bound up by the conditions of the times in which they live to some corporate enterprise.

You cannot look out upon the field of activity anywhere without seeing the product of the corporation. I came over from Chicago yesterday in a parlor car. I was, of course, paying my money to a corporation; the rails over which the train was carrying me had been made by corporations; they had been made out of ore that had been taken out of corporation mines in the northern part of your own state; even the little button that I touched to call the porter was a corporation-made product. I looked out on your fields yellow with the ripening grain. It was a corporation-made plow that turned down the furrow last fall; a corporation-made harrow that mellowed the ground; a corporation-made harvester that will cut the grain next week or the week following. It will be a corporation granary into which the grain goes, a corporation mill that grinds it, a corporation biscuit company that puts it into bread; and one half of the loaves, as I have already intimated, will be purchased with funds paid out of corporation treasuries to their employees.

The corporation, I repeat, is the great fact of these times. Occupying, as it does, the most prominent space in our whole proprietary outlook, occupying already fully one-third of that space, so far as wealth measures proprietary space, and engrossing one-half of our population, the corporation is still on its way forward—a necessity of industrial evolution, a benefit to mankind, something that has come to stay. The big corporation has come to stay. It was just as essential when we stepped out of the civilization in which our fathers lived, into the industrial civilization in which we live, to change the form of holding property as it was to change the form of government, when people had come to a place where the old government would not answer their purposes.

What then is the real matter, and what is the remedy? What has come out of this corporate life? I will speak first

of its faults and then I will speak of its benefits. One of the things in our national life that has come out of the corporation, as the great fact of these times, is this peculiar thing in the nation's finances that now confronts us. Twenty-five years ago, before the beginning of the present industrial era, the deposits in all the banks of the country, all told, were about two billions five hundred thousand dollars. Since that time the population of this country has grown fifty or fifty-five percent, the wealth of the country, as a whole, has grown fifty-five or sixty percent. But these deposits have grown to thirteen billions of dollars, or over five hundred percent. Why this disproportion? The deposits in banks are not the deposits of rich men, put there to carry on their business or as a means of getting an income upon their accumulations. The rich men of the country are the borrowers of the country. It is the rich men who go to the banks to borrow money. Take Mr. Swift, the great packer of Chicago, the greatest borrower in this country, and professedly so. Every packer is a great borrower. I had occasion in the midst of the financial struggles of last autumn to ask for a loan of my own of fifteen or twenty thousand dollars, and the banker told me that he had just turned down Ogden Armour, who asked, I suppose, for a million. The rich men are the borrowers. The deposits in the banks are the saved-up wealth of the middle class, ordinary American citizenship; or as Mr. Jacob Schiff, of New York, rightfully puts it, the deposits are the little mountain streams, gathered up here and there into little rivulets, flowing together into larger streams, and flowing into still larger streams, that converge in the great financial centers of the country, and become the reservoir out of which the great industries find their financial resources. Every great corporation in this country is built upon these deposits. The little bank in Nebraska with one hundred thousand dollars sends sixty or seventy thousand dollars to the nearest large city; that bank sends it on to the next larger city; and after awhile the whole of these deposits get into that reservoir out of which

the corporate industry of the country gets its resources. It is upon these deposits,—the wealth of the people in the form of deposits, increased in the last twenty-five years by over five hundred per cent,—that the corporate enterprise of the country rests. It is with the help of these deposits that the men who have control of the corporations of this country are able to wield, not simply the wealth, but the energies of the country, in the great forward strides that we are making in economic and industrial development. That is one thing that has happened.

Another thing that has happened, as the direct outgrowth of the corporation, is the growth of monopoly,—the corporation that has come to a place where it can exert all the powers of monopoly. But for the corporation—but for this way of compacting into the hands of a few directors and a few officers the wealth of the many and giving to them the power to wield that wealth as one man would wield it if it were all his own—there could be no monopoly. The corporation has cut out competition, and the cutting out of competition was the beginning of monopoly. I am not talking now of the evils of monopoly. In a great many respects monopoly is a public benefit. In some respects monopoly is a necessity—monopoly regulated by law, I mean. I am only speaking of it now as one of the facts that have come out of the corporation as an institution.

Another thing that has come out of the corporation is just the state of affairs that suddenly burst upon us last October. Did anybody expect that there would be a financial depression at that time? Has anybody been able to account for it? The country had more wealth than it ever had before. The manufacturers of the country had more orders than they ever had before. The people of the country were out of debt as they never were before. All the normal conditions for prosperity, and for a continuation of prosperity, existed. No political economist of the old school could have foreseen what happened. But it happened in an instant, in a night, and its results are still upon us; and its results will be upon us,

and the same kind of happenings will come to us again, as long as this abnormal condition of affairs, to which I have just alluded, exists. Let me illustrate. There came into my court, as one of the out-croppings of that trouble, a corporation asking for a receiver. It had a plant that had cost five millions of dollars. It was one of the largest manufacturing concerns in its way in the United States. Its orders were as good as they had ever been before; it was stretching itself to meet its orders. The difficulty that it encountered was just this: That instead of that plant of five millions of dollars having been built upon invested capital—the hundreds and the thousands of men to whom the capital of this country belongs having been stockholders—instead of having been built up on invested capital, it had been built up on borrowed capital. The five millions of dollars had been borrowed out of the banks, the banks having first obtained the five millions from the people. The people were not proprietors, the people were loaners. Had the people been proprietors, that capital would have been a stable capital. As loans, however, it was subject to every caprice, to every cloud, to every danger that threatened. And when suspicion came, it went along, as lightning goes from cloud to cloud, until it reached the financial institutions; and thereupon the president or the board of directors or the discount committee of one of the financial institutions called upon these people for a million of dollars payment upon their loans. Now, if they had had a fire that had destroyed one-fourth of their plant in a night, or in an hour, they would not have been more seriously or more suddenly crippled in their ability to go on than they were by this call of the bankers for a million of dollars to pay back to the depositors away out here upon the prairies of the West. And I think that an analysis of the financial condition of a majority of these enterprises that have been in financial trouble will reveal the same state of things, namely, that a great many of them have been built up upon borrowed capital—that instead of following the old way of using your own capital, or your neighbor's in partnership with you, in

laying the foundations of your enterprise, in putting up these buildings, in installing this machinery, in making an equipment ready to go ahead, depending upon the banks simply for those current funds that are needed between the raw material and the finished product, between what you pay out to the man who furnishes the raw material and what you collect from the man who buys the finished product—instead of that being the order of things, (as is the old and the normal order of things), the bricks that went into the foundations were on borrowed money, the bricks that went into the erection of the walls were on borrowed money, the metal that went into the machinery was on borrowed money, everything was on borrowed money, and everything therefore was suspended, as a cloud in the air, liable to be blown this way or that way by every public disturbance or suspicion.

Then, as I have said, this acute trouble between labor and capital has grown out of the corporation. Now I have gone over what has happened. How can it be cured? Why has it happened? Why is it true that the farmer of America owns his soil, and that when he dies, it passes on to his children, and that all over this broad land the acres are owned by the men who till them, so that the farmer of America has become the solid bulwark of American security? Why is that? It is because the American farmer has had an opportunity to satisfy his instinct for proprietorship; and because, having satisfied his instinct for proprietorship, he becomes embued as a proprietor and his interests become merged with the other proprietary interests of the country. There was much of truth in what we heard from Judge Johnson last night respecting the Phillipines—that the policy there was to give political power to the Phillipines, not simply as an abstract matter of right or justice, but to give the Filipinoes an opportunity to develop capacity for political power. The secret of free government, the secret of government by the people and for the people, successful government of that kind, is not that such government has been established. The secret is, that having been established, and the

human race as a whole having been invited into it, the human race has lived up and grown up to those opportunities, grown up to those duties — has developed a capacity, not only for government, but a sympathetic interest in government, and the sense of responsibility for its security and for its forward movement.

And that is true about the farmer in the realization of his proprietary instincts. You can delude the farmer more easily on any other subject than the subject of socialism. He will have nothing to do with socialism. He was born on those acres that belonged to his father; he knows that his father came across the Allegheny Mountains as an immigrant to acquire them, and that his father or his father's father came across the ocean to satisfy his instinct for proprietorship — that these great migrations of the Anglo-Saxon and Teutonic races into this country, that have given us a population within a half century equal to the populations of the old countries, were not simply that these men might have religious liberty, or that they might have civil liberty, or that they might escape from a galling yoke of despotism; but that they came here, as much as anything else, because of the inherent innate human instinct that makes man God-like — the instinct to create, the instinct to build up, the instinct to have something that is one's own, to be fitted for the responsibilities that heaven has placed upon every human being.

This it is that has made the farmer the independent, self-reliant and patriotic bulwark of American government and American liberties; and this it is that is absent from this great new domain covered by the corporation. Imagine the land of the country set apart to the building up of large estates or patrimonies; that we had said at that early day that though our government was peopolized, our civil rights were peopolized, we intended to let the proprietorship of the land go to the strongest — that no law would be established there, no protection of rights, no effort made to diffuse proprietorship among the occupants — we will let it go ahead accord-

ing to its own bent; imagine any statesman proposing that — would not the instinctive opposition of the American people have arisen at once and said, No, this is a land of the people — not as the demagogue says, "This is the land of the people"—but as the patriot who knows, that as oxygen is the life of the air, the people are the life of everything, whether it be industrial enterprise, political government, or moral movement; would not such an opposition have arisen at once? And yet that is just what has happened, precisely what has happened, in the great new domain built up by the corporation — happened chiefly because we have been so busy that we have thus far overlooked its moral, its political, and its human consequences.

Why, what has transpired in this last twenty-five years? I do not blame the American people for overlooking it. I do not blame the world for overlooking it. Within this period, or a period just a little bit longer, we have rescued the lightnings out of the skies and put them to work doing the service of civilization; we have taken the water and taken the coal out of the mines and put them to work doing the work of civilization; we have taken the laws of nature, where they were put by the Creator, and have turned them to account for the human race; so that the poorest man, the man who makes his livelihood in the humblest way, can live in many respects today better than William III, the King of England, lived in 1688. The men in middle life, today, gets his fruits from every clime; he has a bed that William III would have thought luxurious; he has a house over him that protects him against storm as well as Whitehall in London; he has the beautiful parks open to his use by public beneficence, by public enterprise—as beautiful and great as any of the royal parks of England; he has the power of electricity to carry him along on the wings of the lightning; he has blessings that William III or any king of his time never dreamed of. And we have been carried forward in this burst of invention, —this tremendous movement of civilization—so absorbed in it that we have overlooked its human results, its effects

upon this other element in human nature, the element of personal independence brought out only by personal participation. And the result is that we have left the corporations to be organized, and to be managed internally, just as their promoters desired. I have said elsewhere, and I say here, that in nearly every state in the Union, five men can assemble in a room, lay a silver dollar upon the table, draw up articles of incorporation, send it to the Capitol, get back a certificate with the great seal of the state placed upon it, put the silver dollar back into their own pocket, and launch a million dollar, or a five million dollar, or a ten million dollar corporation, capital "full paid." I have had in my court the case of a corporation organized in the State of New Jersey with a capital stock of forty millions of dollars. For some reason or other the managers took out but ten millions of dollars. After running two or three months, under a law of that state permitting it, they reduced the capital stock to \$2,500,000. And after running three or four months longer they got into the bankruptcy court with debts that they had acquired during this period of three or four months of one hundred thousand dollars and assets, all told, of twenty-five thousand dollars. A forty million dollar corporation with assets of twenty-five thousand dollars, after three or four months of effort at living. And the suit in my court was an application upon the part of the State of New Jersey where this corporation had been born—out of whose loins it had sprung—to collect a capital stock tax of eighteen thousand dollars as a preferred debt above the other hundred thousand dollars of creditors. (Laughter.) The State of New Jersey has its splendid university where some of the most stalwart and capable men who live among us have been educated, and yet up to the present time, notwithstanding the efforts of its present governor, it stands by the policy of putting its great seal upon any enterprise, good or bad, wicked or beneficent, that makes application at its coffer with the necessary certificate fee for incorporation. What can we think of that kind of public morality, and what can we think

of the result that follows. I was not long ago in England, and I happened one day down into the little square called St. Helen's, in the east end of London; St. Helen's is a square devoted at one time to the guild of tanners, in the days when the different trades had guilds, and it has a church, and in the center of the church is a sarcophagus containing the body of one of the great tanners of his time, on which is this inscription, "Here lies the body of Sir Christopher Grant, Baronet, Gentleman and skinner." (Laughter.)

Now, what has been the effect of this corporate lawlessness? What has been the result? Just what I have already described. The American people have not found a trustworthy instrument of proprietorship in this great new industrial field that covers one-third of their wealth; and have in consequence stayed out of that proprietorship;—have thought it wise to stay out. By creating suspicion, by making it a lawless land (as Arizona was a lawless land twenty or twenty-five years ago, when the yellow-backed dime novels were read by us as boys), by making it a land where banditti were just as respectable as honest men, and where, if you would venture, you were liable to fall into the hands of the robbers just as easily as to fall into the arms of a conscientious trustee—by making it a land of investment where no honest man who was not acquainted with the tricks of the trade could dare set his foot—they have thrown suspicion over the proprietorship and the morality of all corporations, to such an extent that the American people, one by one, having been bitten, or having seen their neighbors bitten, have retired from the field.

But the American is still a property-loving man. He still wants to have his share in the enterprise and the glory of the country that enterprise brings. He is willing to go into enterprise; he does not insist that he shall go in on the ground floor; he is willing to go in on the second floor, provided the ground floor is safe and the foundations are secure; he will even go in on the third floor; but he objects to the attic,

and he particularly objects to being impaled upon the lightning rod.

I am the friend of the corporations. As a Judge of a Court, and as an individual addressing public assemblies, I have always proclaimed myself the friend of the corporation, just as I am the friend of individual enterprise. I am the friend of the corporation as I am the friend of the public schools, of the court house, of the charitable institutions, of every institution that is an American institution. We can no more get along without the corporation, as a form of holding property and wielding energy, than we can get along without the court house, without the school, without the benevolent institutions of the country, without any of the other institutions of this country. The corporation has become a necessity to the civilization in which we live. And I speak only as a friend, when I raise up my hand and say that while I respect the man who has made a fortune, however great, by honest venture, honest enterprise, honest building up of something that has been a help to mankind, I hate the man who has built up a fortune by using one of his country's institutions, polluting it, dragging it in the ground, as many of the great fortunes of this country have been built up—the great corporation itself dragged down in reputation and in usefulness. (Applause.)

One of the most interesting experiences I have had is in connection with the Chicago Traction Companies. Five years ago those companies came into my court, and for the first time I learned their financial history. There had been little companies in Chicago giving inadequate service, bob-tail cars, mules, drop your nickel in a box, and a car every 45 or 50 minutes, when along came a man from the East and picked up these properties, installed a cable service, which was the best service at that time, put in new cars, and gave us conductors with new uniforms. And we held up our heads, when strangers came to the city, and said, "Behold Chicago enterprise," "the Chicago 'I Will.'" That was 20 years ago. That man had it in his power to make

himself a city benefactor; he had more than that in his power. That great corporation had to live upon the people's wealth—the individual wealth of the people of the country—he had it within his power to make his street-car corporation an institution that would make that wealth valuable to them. But he had, under the laws of Illinois, another power, and that was to issue to himself unrestricted issues of stocks, common and preferred, that he could put back into his own vault, and consider his own fortune. Now, what resulted? With that great city, growing in that way, his original investment, as an investment, would have grown over and over again and nobody would have complained. There could have been no just denunciation. But growth like that was not the purpose he had in mind. The purpose he had in mind was to make those securities in his vault immediately as well as immensely good. And to make those securities immediately and immensely good, it was not essential that his street car system should be kept up, that its waste should be repaired, that its losses should be made good; all that was needed was a reputation for his stocks as dividend earners in LaSalle and Wall Streets. The farmer takes of his crop every year and puts it back as a fertilizer on his farm; otherwise his farm would soon become worthless. A railroad company, well and honestly managed, takes out of its earnings every year, and puts back in the way of replacement, that which at least keeps the property up to the present level of efficiency. This man did neither. He let the rails run down, he let the pavements run down, he let the cars run down, he let everything run down that he might have more money with which to pay dividends. And on top of that he borrowed money to pay dividends, and borrowed more money to pay dividends—paying from the start 6 and 8 and 10 per cent dividends upon these issues of stock—until when the catastrophe came, ten or twelve thousand people who had invested their money at from one hundred to two hundred and two hundred and fifty for these stocks, thinking that they were secure as government bonds—people who were looking forward to the future,

just as the farmer looks forward to the future when he takes out of his crop a certain amount and lays it away in a bank or in a note or in a bond—ten or twelve thousand of these people, lured by these unearned dividends, were in possession of stock, the promoter had disappeared, and the corporation was in my hands as a court—ten or twelve thousand people defrauded of their hard-earned savings. Could you get any more people into Chicago Traction properties on that state of things? The people of Illinois are an honest God-fearing, earnest people, and I have a pride for that state, but I am ashamed of the state to the extent that it put into the hands of this man the weapon and the power to defraud these citizens of Illinois who had trusted to the law for their security; and I am ashamed of the great seal of the state when it is placed upon a certificate of incorporation that has that degree of iniquity concealed within its borders.

The result was that for five years we had to struggle, first with a public sentiment that drew no distinctions between the innocent and the guilty—who looked on the street car companies simply as corporations, some alien concern—never allowed its mind to go beyond to the men and women and children who held the securities of these corporations; and we had to hold on until that storm of public sentiment had subsided. And then we had to take the other tack, and teach these deluded people—much as they had suffered—that they could not be expected to get back what they had paid. In the end they were given a reorganization and a corporation which, had it the form of law, in every state in this Union would be an example of what the people could do in the way of public utility corporations, and would at once subserve their interests and their purposes and also safeguard the interests of investors.

What then is the thing to do in this state of affairs? How can we rescue this great incorporated domain for the people? How can we bring the people back into proprietorship? How can we peoplize this new great domain that is the great fact of this generation? Not by destroying it; not

by hawking at it; not by laying obstructions in its way. Not at all. Nor can we do it by mere "regulation." Mere regulation will not accomplish all that ought to be accomplished. We cannot do it, if we occupy simply the standpoint of the economist, saying that as an institution, a corporate institution, it must be obedient to certain rules and regulations respecting charges, rates, services and the like. That will not answer the problem or achieve the result. The problem is not an economic problem solely. In its greater aspects the problem is a human problem—a great human problem. How can we get the people back; for once you get them back, get them securely back, interest them once more in this rising, growing, and glorious future of the country, the problem in all other respects will solve itself. How can we get the people back?

You can only get them back by beginning at the beginning. The institution of human slavery came to an end when the American people had voiced, in the language of Abraham Lincoln, and felt to the bottom of their hearts and natures, that every human being was entitled to eat the bread earned in the sweat of his face. That was a great moral human truth, and when the American people seized that truth and acted upon it, the end of slavery was in sight. But we have progressed beyond that—we have progressed to a place where it is not enough that every man should be allowed to eat his bread earned in the sweat of his face. The American people, as a whole, have come to a place where they are beginning to realize that it is not by bread alone that men live, that there is something greater, higher, better, more inspiring, than mere bread and wages—have come to a place where they begin to see that the corporation question is not a question of wages, nor a question of rates, but a question of human rights—just as much a question of human rights as the rights of the people to participate in government, just as much a question of human right as the right of the people to participate in civil rights, as the right of our American farmer to participate in the division

of the soil; a diffusion not brought about artificially, but brought about by giving to the instinct within every man full play.

How shall that be done? It cannot be done by legislation; that is to say, you cannot legislate the laborer into a proprietor; you cannot legislate the bank depositor into a proprietor, but you can create a corporation that will be a trustworthy instrument through which he will make himself a proprietor—create a corporation that will invite the laborer attached to every trade to become himself attached as a proprietor to that trade; and when we have done that, instinct will do the rest.

I stood upon a battle ship not long ago and marveled at the wonders that the lightnings did. They lifted the ammunition from the hold to the guns; put the ammunition into the gun; leveled the gun; fired the gun; they lighted the ship when in friendly waters and darkened her when in unfriendly waters; they lifted her anchor and lowered her anchor; and through the Marconi equipment on the upper decks, swept the seas for a thousand miles for tidings that would be of benefit or advantage. All done by the lightnings. And yet it is a mistake to say that the lightnings have been harnessed, that the lightnings have become, in any sense, the servile servants of men; for the lightnings as they steered the ship, lifted its anchor, fired its gun, swept its seas, were just as free as the lightning that plays from cloud to cloud in a summer evening. All that man did was to put an instrumentality—an avenue—in the way of the lightnings; all that man did was to give the lightnings their opportunity, and the instinct of the lightnings did the rest.

That is true of free government. All that government of, by, and for the people does, or ever has done, is to give opportunity. It is the people who grow into capacity by the exercise of opportunity. And that will be true of this great domain of which I have spoken, just as it was true of the great landed domain, because when the corporation becomes a trustworthy instrument of wield-

ing the people's energy and a trustworthy way of holding the people's investments—a corporation policy that we can look to as an institution and be proud of—the American people, by instinct, will come in, just as they have come into all the other doors that have been opened to them in the beneficence of mankind. (Applause.)

I would have both the state and the nation take hold of this problem—the nation, beginning with the national interstate railroads, and setting the example. What is needed first, is an example—the mobilizing of public sentiment, the focusing of public sentiment upon the right end. Let the nation do that with the great interstate commerce carriers, that are themselves the creatures of the nation, let the nation enter upon their regulation, not with a view simply of rates or pandering to popularity; but with a view to make them trustworthy agents of American energy and the American instinct of proprietorship. (Applause.) And let that nation in action be supplemented with that action by the states. Let corporations be organized just as any other great institutions are organized. Thirty years ago Germany went through a panic called the promoters' panic. May we not look to her for some example. In Germany no corporation can now be organized until an application has been made to a local tribunal,—the government district attorney representing the people, he being notified and called in to appear—and when the promoters of the corporation have satisfied the tribunal, first, that the corporation was needed, second, that the issue of its securities were honest and just, a charter issues. But after that no dividends can be paid until the court, after a like hearing, has determined that the dividends were earned. There is, however, no restriction on the amount of dividends. If genius will make dividends 12 per cent, where idleness or inaction leaves them at one per cent, why should not genius have the benefit of the 11 per cent? But, there is a restriction upon just such fake dividends as I pointed out in the case of the Chicago Traction Companies—a restriction against putting up dividends as a lure, that after

the birds had all gotten into the cage, and the doors shut, the birds should be left to be taken care of as best they could at the hands of some federal or state court.

Corporations organized on those lines in Germany—these are only the general lines—have succeeded in making themselves the instruments of public proprietorship. The German goes into a bank in Germany not to buy a bond, but to buy a share of stock, most probably in the enterprise to which he is attached. If the enterprise is a success, he gets just as much as a bondholder would get. If it is a failure, he gets exactly what the bondholder gets also, upon foreclosure of the mortgage, without any assets to pay the bonds. If it is a great success, an unusual success, more than normal success, he gets the benefit of that success. And why should not success be peopolized? Why should not a country's great success, in that way, be widely distributed?

In England they meet the question in another way. They meet it by public accountants; no dividends can be paid until public accountants have passed upon the dividends. But the English corporation is not nearly so safe as the German corporation as a means of investment. Neither in Germany, France and England is there any socialistic feeling against the corporation. The socialistic feeling is against the land laws of the country—the unjust land laws of the country. Statesman like Winston Churchill, and the younger class of statesmen of England, are not discussing questions such as we are discussing in this country; they are taking exactly the other phase—discussing how the people, fast learning the rights, the benefits and the advancement of personal proprietorship, can come into proprietorship of the soil—how can the great landed titles, upon which rents are founded, be honestly and fairly eliminated so that the man who tills the soil will be also the proprietor of the soil.

Our problems ought to be along parallel lines. In those countries the feudal system left the lands in the hands of the few, while the enterprise of modern Germany is putting the corporation, and all the other instrumentalities of personal

property ownership, into the hands of the people. In this country we never had feudalism, so that the lands went at once into the hands of the people. But we have had a species of feudalism, a species of baronism that has left the corporation itself in the hands of the few. What we wish to do is to close up the gap here, in the corporate domain, as they are trying to close up the gap there in the landed domain that the universal march of mankind, toward what the individual man should have under God and under the freedom of the skies, should be hastened forward.

Gentlemen, I will not detain you longer. The task I have outlined is not hopeless. If the great minds of the country take hold of it, it will be accomplished. President Roosevelt has laid the foundations. I do not believe that he conceives the problem in its broader outlines. But he is John the Baptist. He has been the explosive that has cleared the field. The time to build has now come; the real constructive period has come; and it will take a lawyer, many lawyers, men who are not afraid of the popular clamor of an hour, to build this new structure. A chasm must be leaped. As things now stand,—as the public mind now looks at things—the corporation is an alien land,—belongs to an unknown people. There is between it and the people no sympathy, no interest, no inter-play, no participation. The corporation is another land, an enemy,—a condition of things that as long as it lasts, will cause public sentiment, public interest, public clamor, public prejudice to play upon the corporation as a nation plays upon its enemies. The great task before us is to bridge that chasm. It will bridge the chasm between capital and labor; it will bridge the chasm between honest, constructive methods and demagogism; it will bridge the chasm between the man who has and the man who only wants to have; it will bridge the chasm between the man whose ambitions have been fully or partly satisfied and the man whose ambitions are denied. And it can be bridged.

I stood not long ago at Niagara and looked across on the other shore. Before me was the cataract, above me

running for miles were the rapids, below me the rapids and the whirlpool, and I said, "How can there ever be any sympathy between this and that shore—how, with such a chasm between us, can our hearts and our interests ever meet." And I turned around and sat down. And when I looked back the great Architect of the Universe had arched the chasm with a rainbow—one foundation upon the American shore, the other upon the Canadian shore, and the colors as the rainbow rose and descended, radiant in the sunlight—a sign out of the skies connecting two alien shores over the intervening chasm. And I said, "There is the promise," I turned away again, and when I looked, behold, there was a bridge, and over it, going this way and that way, were human beings—the interests of one shore intermingling with the interests of the other; the two peoples becoming one. And when I went across to the other side I found my country already there; and when I came back I found the strangers already here, and I said, "The bridge has done it—a bridge projected by some great intellect, made by human hands, carrying out a great human ideal—the bridge has done it."

Let us bridge this chasm. We can bridge it by making the corporation a trustworthy instrument of holding property. We can bridge it by putting into this problem the conscience, the thought, the carefulness that you put upon your individual problems. We can bridge it if we can arouse the American people into the feeling that this is not merely an economic or class question, but is a human question. Brave and strong will be the man who will advance it, as were the men who advanced the cause against human slavery. We can bridge it if we are only sane and sensible and enthusiastic. To the lawyers I appeal as the men who ought to lead, and can lead, in that great movement. (Applause.)

REPORT OF SECRETARY.

At the last meeting of the Association the following matters were referred to the Secretary:

1. A resolution of the Association, that the Secretary send to each member of the legislature, which made provision for the Constitutional Convention, a copy of the resolution of the Association to the effect that it was sense of this Association that the interests of the whole state would be best conserved by a non-partisan Constitutional Convention.

2. A motion of the Association that the Secretary send to every member of the bar of Michigan a copy of the printed proceedings of the Association for 1906.

3. A motion of the Association that the Secretary collect contributions for a Christianity memorial.

In addition to collecting the dues, soliciting members, assisting committees and carrying on the regular correspondence and business of the Secretary's office, I have carried out the specific instructions of the Association as mentioned above.

I herewith submit a statement of the dues collected and turned over to our Treasurer, changes in membership and a catalogue of the Association library.

DUES.

Debit.

By dues collected from members (for two years).....\$1,779.20

- Credit.

To paid Mr. Wm. K. Clute, Treasurer.....\$1,779.20

MEMBERSHIP.

Members at date of last report (June 27, 1906)..... 577

Members who have withdrawn, etc.....36

Members who have died, 1906-07, 1907-08.....18

Members who have removed from Michigan 5

— 59

518

Members admitted during years 1906-07, 1907-08..... 97

Total present membership 615

Members Who Have Been Dropped or Have Withdrawn Since Last Meeting.

Allor, Elmer L., Detroit.	Lemkie, Felix A., Detroit.
Blakely, Harry V., Flint.	McCallum, Geo. P., Sault Ste. Marie
Brockway, James E., Bay City.	Navin, Thos. J., Detroit.
Brown, George, Flint.	Noah, Frank A., Detroit.
Campbell, Gordon R., Calumet.	Owen, Chas. M., Grand Rapids.
Chadwick, Wm. C., Hillsdale.	Pagelson, Dan F., Grand Haven.
Chittenden, Clyde C., Cadillac.	Powers, Jno. W., Grand Rapids.
Clink, S. K., Muskegon.	Rapley, Jesse A., Yale.
Crane, E. A., Kalamazoo.	Rohnert, Morse, Detroit.
Davies, James B., Owosso.	Rose, Chas. H., Evart.
Eastman, L. D., Menominee.	Sheahan, P. J., Detroit.
Emerick, Frank E., Saginaw.	Skels, Rufus F., Hart.
Emery, Alex, Buchanan.	Spears, W. J., Vassar.
Field, George S., Detroit.	Stansell, Arthur D., Detroit.
Fox, George R., Bay City.	Thompson, James H., Evart.
Gallup, Geo. Escanaba.	Townsend, W. L., Gaylord.
Gleason, John M., Port Huron.	Wood, Nathan S., Saginaw.
Grove, Wm. E., Grand Rapids.	Youngs, Dan, Evart.

Members Who Have Died Since Last Meeting.

Beaver, Theo. G., Niles, Sept. 1, 1906.
 Frazer, R. E., Detroit.
 Fuller, C. C., Big Rapids, Dec. 23, 1906.
 Fuller, Wm. D., Grand Rapids, March 20, 1908.
 Hopkins, Joel C., Battle Creek, April 29, 1907.
 Howard, Wm. G., Kalamazoo, Aug. 8, 1906.
 Jacokes, James A., Pontiac, Oct. 27, 1907.
 Lowell, Dwight N., Romeo, July 27, 1907.
 Moore, Wm. A., Detroit, Sept. 25, 1906.
 Patton, John, Grand Rapids, May 24, 1907.
 Smith, Charles S., Saginaw, Dec. 22, 1906.
 Smith, Quincy A., Lansing, Oct. 3, 1907.
 Smith, Vernon, Ionia, April 21, 1908.
 Stevens, Herman W., Port Huron, May 15, 1907.
 Straker, D. Augustus, Detroit, Feb. 14, 1908.
 Thompson, Charles E., Bad Axe., March 27, 1907.
 Wanty, George P., Grand Rapids, July 9, 1906.
 Wolcott, Alfred, Grand Rapids, March 8, 1908.

Members Who Have Moved From Michigan Since Last Meeting.

Larson, Oscar J., Duluth, Minn., formerly of Calumet.

McNabb, Duane T., Chicago, Ill., formerly of Bad Axe.

O'Keefe, Jas. E., San Diego, Cal., formerly of Grand Rapids.

Simpson, Wm. H., formerly of Detroit.

NEW MEMBERS.

- June 27, 1906. Burns, J. D., Kalamazoo.
June 27, 1906. Cropsey, Jesse R., Vicksburg.
June 27, 1906. Lawton, Eugene W., Lawton.
June 27, 1906. Lewis, Lynn J., Bangor.
June 27, 1906. Monroe, S. B., Kalamazoo.
June 27, 1906. Potter, William W., Hastings.
June 27, 1906. Pryor, Lee H., Hastings.
June 28, 1906. Briggs, Henry C., Kalamazoo.
July 16, 1906. Engle, Seth E., Detroit.
July 19, 1906. Boyd, J. L., Kalkaska.
Nov. 24, 1906. Webster, Clyde I., Detroit.
Dec. 6, 1906. Carmody, Martin H., Grand Rapids.
Dec. 6, 1906. Gillett, W. J., Grand Rapids.
Dec. 6, 1906. Higbee, Clark E., Grand Rapids.
Dec. 6, 1906. Kinney, W. L., Marion.
Dec. 6, 1906. Van Riper, C. M., Hartford.
Dec. 7, 1906. Holmes, Clyde J., Grand Rapids.
Dec. 8, 1906. Brooks, Walter H., Grand Rapids.
Dec. 8, 1906. Anneke, Edward E., Bay City.
Dec. 8, 1906. Butterfield, Roger C., Grand Rapids.
Dec. 8, 1906. Harrington, Leon W., Grand Rapids.
Dec. 8, 1906. Hindman, A. C., Grand Rapids.
Dec. 8, 1906. Taggart, Ganson, Grand Rapids.
Dec. 8, 1906. Wetmore, Fred C., Cadillac.
Dec. 10, 1906. Campau, Francis D., Grand Rapids.
Dec. 10, 1906. Goodspeed, Richard C., Grand Rapids.
Dec. 11, 1906. Warner, David A., Grand Rapids.
Dec. 12, 1906. Cady, Alvah P., Benton Harbor.
Dec. 12, 1906. Gore, Victor M., Benton Harbor.
Dec. 12, 1906. Hicks, Wm. C., Benton Harbor.
Dec. 12, 1906. St. Clair, John C., St. Joseph.
Dec. 12, 1906. Sterling, John J., Benton Harbor.
Dec. 12, 1906. Stratton, Chas. W., St. Joseph.
Dec. 17, 1906. Lombard, James A., Grand Rapids.
Dec. 18, 1906. Blair, Charles B., Grand Rapids.
Dec. 18, 1906. Knappen, Stuart E., Grand Rapids.

- Dec. 19, 1906. Dunham, M. L., Grand Rapids.
Dec. 19, 1906. Walker, Myron H., Grand Rapids.
Dec. 28, 1906. Black, C. P., Lansing.
Dec. 28, 1906. Dodge, Frank L., Lansing.
Dec. 28, 1906. Foster, Walter S., Lansing.
Dec. 28, 1906. Gage, Wm. S., Saginaw.
Dec. 28, 1906. Hood, Oscar J., Lansing.
Dec. 28, 1906. Law, Eugene F., Port Huron.
Dec. 28, 1906. North, Walter H., Battle Creek.
Dec. 28, 1906. Reasoner, James M., Lansing.
Dec. 28, 1906. Zimmer, John J., Lansing.
Dec. 29, 1906. Hext, Chas. F., Grand Rapids.
Dec. 31, 1906. Hess, Frank A., Grand Rapids.
Jan. 10, 1907. Cassidy, Daniel P., Detroit.
Jan. 10, 1907. Doetsch, Felix A., Detroit.
Jan. 10, 1907. Duffield, Bethune, Detroit.
Jan. 10, 1907. Graves, Henry B., Detroit.
Jan. 10, 1907. Hall, A. B., Detroit.
Jan. 10, 1907. Hamblen, Joseph G., Jr., Detroit.
Jan. 10, 1907. Love, Charles E., Detroit.
Jan. 10, 1907. McCorkle, Wm. F., Detroit.
Jan. 10, 1907. Mulford, Benj. F., Detroit.
Jan. 10, 1907. Savery, Wirt I., Detroit.
Jan. 10, 1907. Scheibner, Charles G., Detroit.
Jan. 10, 1907. Shipman, F. C., Detroit.
Jan. 10, 1907. Weadock, Thomas A. E., Detroit.
Jan. 10, 1907. Welsh, Chas. F., Detroit.
Jan. 10, 1907. Wolfe, Louis H., Detroit.
Jan. 15, 1907. McGurrin, Chas. H., Kalamazoo.
Jan. 17, 1907. Wheeler, Isaac C., Manton.
Mar. 4, 1907. Beck, Ira A., Battle Creek.
Mar. 4, 1907. Hunt, Harry E., Detroit.
Mar. 9, 1907. O'Brien, P. H., Laurium.
June 3, 1907. Bartlett, Charles L., Detroit.
Aug. 31, 1907. Sullivan, Frank P., Sault Ste. Marie.
Aug. 31, 1907. Warner, Frank R., Sault Ste. Marie.
Aug. 31, 1907. Hixson, Virgil I., Manistique.
Aug. 31, 1907. Black, E. S., Marine City.
Sept. 3, 1907. Harvey, G. Wm., Pentwater.
Dec. 4, 1907. Wiley, Marlin, Sault Ste. Marie.
Dec. 4, 1907. Hayden, Charles Howe, Lansing.
Jan. 31, 1908. Broomfield, Archibald, Big Rapids.
Jan. 31, 1908. Cavanaugh, M. J., Ann Arbor.

Jan. 31, 1908. Dawson, Wm., Sandusky.
 Jan. 31, 1908. DeLand, Chas. J., Jackson.
 Jan. 31, 1908. Hall, James H., Port Austin.
 Jan. 31, 1908. Hawkins, Victor, Jonesville.
 Jan. 31, 1908. Hemans, Lawton T., Mason.
 Jan. 31, 1908. Mead, F. D., Escanaba.
 Jan. 31, 1908. Post, Floyd L., Midland.
 Jan. 31, 1908. Rockwell, K. P., Pontiac.
 Jan. 31, 1908. Salliotte, Ignatius J., Detroit.
 Jan. 31, 1908. Sawyer, E. F., Cadillac.
 Jan. 31, 1908. Sharpe, Albert E., Sault Ste. Marie.
 Jan. 31, 1908. Watson, Chas. H., Crystal Falls.
 Jan. 31, 1908. Wicksall, Guy J., South Haven.
 Jan. 31, 1908. Wixon, Walter S., Caro.
 April 16, 1908. McClellan, John, Lansing.
 Aug. 14, 1908. Graves, Frank P., St. Joseph.

REPORTS, BOOKS, ETC., IN SECRETARY'S OFFICE.

American Bar Association.....	1903, 1904, 1905, 1906, 1907
Alabama State Bar Association, Pro- ceedings for years.....	1901, 1902, 1903, 1904, 1905, 1906, 1907
Arkansas and Tennessee Bar Asso- ciations (Joint Proceedings).....	1907
Bar Association for Baltimore City, Constitution and By-Laws.....	1902
The Chicago City Bar Association, Proceedings for year.....	1903
The Colorado Bar Association, Pro- ceedings for years.....	1901, 1902, 1903, 1905, 1906, 1907
Georgia Bar Association, Proceedings for years	1901, 1902, 1903, 1904, 1905, 1906, 1907
Illinois State Bar Association	1903, 1905, 1906, 1907
Indiana Bar Association, Proceedings for years	1902, 1903, 1904, 1905, 1906, 1907
Indian Territory Bar Association, Proceedings for year.....	1904
Iowa State Bar Association, Proceed- ings for years	1902, 1903, 1904, 1906
Bar Association for State of Kansas (Address of President, 1902).....	
Bar Association for State of Kansas, Proceedings for years.....	1903, 1904, 1905
Kentucky State Bar Association, Pro- ceedings for years.....	1901, 1902, 1903, 1904, 1905, 1906, 1907
Louisiana Bar Association, Proceed- ings for years.....	1902, 1903, 1904, 1905, 1906, 1907
Maryland State Bar Association, Pro- ceedings for years (1 Vol.).....	1903, 1904, 1905, 1906, 1907

Minnesota State Bar Association, Proceedings	1901, 1902, 1903, 1904, 1905
Mississippi State Bar Association...	1906, 1908
Missouri Bar Association, Proceedings for year.....	1904
Montana State Bar Association, Proceedings for years (1 Vol.).....	1885-1902
Nebraska State Bar Association (Address of President, 1902).....	
Nebraska State Bar Association (1 Vol.) Proceedings for years.....	1900-1902
New Jersey State Bar Association, Proceedings for years.....	1902, 1903, 1904, 1906, 1907, 1908
New Mexico State Bar Association, Proceedings for years.....	1902, 1903, 1904, 1906
Association of the Bar of New York, Proceedings for years.....	1903, 1904, 1905, 1906, 1907, 1908
New York State Bar Association, Proceedings for year.....	1904
North Carolina Bar Association, Proceedings for years.....	1901, 1902, 1905, 1906, 1907
North Dakota Bar Association (2 Vols.) from organization to.....	1906
Ohio State Bar Association.....	1905, 1906
Oregon Bar Association (2 Vols.)...	1900-1906
The Bar Association of St. Louis, Proceedings for years.....	1904, 1906
South Carolina Bar Association, Proceedings for years (1 Vol.).....	1892-1902
South Carolina Bar Association, Proceedings for years.....	1903, 1904, 1905, 1906
South Dakota Bar Association.....	1906, 1907
Bar Association of Tennessee, Proceedings for years.....	1901, 1902 1903, 1904, 1905
Joint Proceedings of Bar Associations of Tennessee and Arkansas.....	1907
Joint Proceedings of Bar Associations of Texas and Arkansas.....	1906
Texas State Bar Association, Proceedings for years.....	1902, 1903, 1904, 1905, 1906
State Bar Association of Utah.....	1905, 1907
Proceedings of Vermont Bar Association (1 Vol.).....	1901-1903
Virginia State Bar Association, Proceedings for years.....	1901, 1902, 1903, 1904, 1905, 1906, 1907
Washington State Bar Association, Proceedings for years.....	1901, 1902, 1903, 1904, 1905, 1906
West Virginia State Bar Association, Proceedings for years.....	1903, 1904, 1906, 1907
Wisconsin State Bar Association, Proceedings for year.....	1901

Copies of a bill to establish an Intermediate Court	100 copies
Copies of a bill to establish Torrens system of Land Registration.....	200 copies
Michigan State Bar Association, Proceedings for 1901.....	25 copies
Michigan State Bar Association, Proceedings for 1902.....	5 copies
Michigan State Bar Association, Proceedings for 1903.....	30 copies
Michigan State Bar Association, Proceedings for 1904.....	5 copies
Michigan State Bar Association, Proceedings for 1905.....	30 copies
Michigan State Bar Association, Proceedings for 1906.....	25 copies
Uniformity of Legislation, W. O. Hart, New Orleans, La.	
Two Periods in the History of the Supreme Court, Justice David A. Brewer.	
The Influence of the Bar in the Selection of Judges, Simon Fleischman, Buffalo, N. Y.	
Report of Committee of Pennsylvania Bar Association, on Uniform Legislation, 1906.	
New York State Library Bulletin No. 98 (Law Additions 1894-1903).	
Harvard Law Quinquennial, 1817-1904.	
Report of Committee on Code of Professional Ethics (American Bar Association) 1907.	
Problems in Trial by Jury, James E. Babb, Madison, Wis.	
Proceedings of National Congress on Uniform Divorce Laws (2 Vols.) 1906, 1907.	

EXCHANGES, OTHER THAN ABOVE NAMED ASSOCIATIONS.

Cincinnati Law Library Association, Court House, Cincinnati, Ohio.
 Iowa State Library, Des Moines, Iowa.
 Kansas State Library, Topeka, Kas.
 Michigan State Library, Lansing, Mich.
 U. of M. Law Library, Ann Arbor, Mich.
 Harvard University Law Library, Cambridge, Mass.
 Hon. Leonard A. Jones, 301 Pemberton Bldg., Boston, Mass.
 New Hampshire State Library, Concord, N. H.
 Law Association of Philadelphia, City Hall, Philadelphia, Pa.
 Rawle, Francis, 328 Chestnut St., Philadelphia, Pa.
 Law Library, Stanford University, Cal.
 The Cleveland Law Library Association, Court House, Cleveland, Ohio.

WM. J. LANDMAN, Secretary.

REPORT OF TREASURER.

Receipts.

1906.		
June 27.	By balance on hand.....	\$ 154 62
1908.		
June 22.	By cash received from Secretary for dues collected during past two years.....	1,779 20
	Total receipts	\$ 1,933 82
June 22.	To total disbursements during two years.....	1,562 71
	Balance cash on hand.....	\$ 371 11

Itemized Statement of Disbursements.

1906.		
June 29.	To Ella M. Backus, bill for clerk work.....	\$ 5 00
29.	" W. K. Clute, committee expenses and postage	1 73
July 6.	" Wm. J. Landman, for Judge Lurton's expenses	30 00
16.	" Frank S. Pratt, committee expenses.....	10 46
16.	" Ivy Press, printing	2 00
16.	" Rowlson Co., printing	2 35
20.	" C. H. McGurrin, for reporting Kalamazoo meeting	40 00
Dec. 1.	" W. J. Landman, Secretary, expense bill.....	35 00
7.	" Bond Co., premium, \$5.00, and stenographer work (Secretary) \$16.80	21 80
1907.		
Jan. 17.	" W. J. Landman, Secretary, expense bill.....	79 00
29.	" Lina E. Lilly, clerk hire for Secretary.....	45 30
Feb. 12.	" West Mich. Printing Co., printing proceedings	240 70
12.	" West Mich. Printing Co., printing.....	18 00
12.	" Wm. J. Landman, one-half of 1906-7 salary..	100 00
16.	" Wm. J. Landman, for expenses.....	15 50
Mar. 16.	" Wm. J. Landman, for expenses.....	53 63
April 29.	" Wm. J. Landman, postage.....	9 00
May 15.	" Ivy Press Co., for printing.....	2 50
15.	" Peoples Savings Bank, bill for collection fees	8 35

June	7.	" Michael Brown's expenses on committee meeting	4 00
	7.	" Lewis E. Imes, photographing Campbell bust	2 50
	7.	" W. J. Landman, Secretary, balance salary for 1906-7	100 00
Aug.	3.	" W. J. Landman, Secretary, expense bill.....	61 20
	3.	" Union Sentinel, printing	4 25
Nov.	5.	" Surety Co., premium, \$5.00, and Western Union Telegraph Co. bill, \$2.53.....	7 53
Dec.	2.	" W. J. Landman, Secretary, postage bill.....	14 00
1908.			
Jan.	14.	" W. J. Landman, one-half salary 1907-8, \$100.00, expense account, \$13.25.....	113 25
Feb.	6.	" Printing, West Michigan Printing Co.....	6 00
	6.	" W. J. Landman, expense bill and per diem, special	21 28
1907.			
Jan.	16.	" Sherm Hardy Co., bookcase section.....	3 77
	16.	" Ivy Press, printing.....	31 50
	16.	" Peoples Savings Bank, collection fees on drafts	9 15
	16.	" F. S. Pratt, expense bill.....	5 50
1908.			
Feb.	21.	" F. S. Pratt, expense bill.....	35 56
	21.	" W. J. Landman, Secretary, expense bill.....	22 50
Mar.	12.	" West Michigan Printing Co., printing.....	5 50
April	20.	" W. J. Landman, Secretary, expenses.....	19 00
June	6.	" Bill of Christiancy Memorial Fund.....	235 65
	16.	" West Michigan Printing Co., printing.....	16 25
	16.	" W. J. Landman, Secretary, postage and stenog.	24 00
	22.	" W. J. Landman, balance of salary, 1907-8....	100 00

Total disbursements\$ 1,562 71

WM. K. CLUTE,

Treasurer.

REPORTS OF COMMITTEES.

REPORT OF COMMITTEE ON GRIEVANCES.

Mr. President and Gentlemen of the Association:

During the two years that have elapsed since the last report of your committee no proceedings have been instituted in court for the disbarment of an attorney.

Several matters have been referred to the committee, however, which have had its attention.

A complaint against two attorneys of an interior town was sent to the chairman of the committee for investigation. It was found upon inquiry that the settlement of a controversy had been intrusted with a trickster, not an attorney, who got quite a sum of money in his hands belonging to the aggrieved party and a settlement was agreed on by him as the agent of the party complaining.

As some legal proceedings had to be taken the two attorneys had been employed to do the legal work which the agent was unable to do, and the same was brought to a successful termination by them, and a reasonable charge made and the balance of the money obtained went into the hands of the agent, who made a charge to his client that was akin to robbery, and the party thus defrauded being a very ignorant man, was unable to discriminate between the three and determine where the blame belonged, and so charged them all alike. The chairman communicated with both the attorneys, who were reputable members of the bar, and one of them, with perfect frankness, laid the whole matter before him, which showing, in the mind of the chairman, completely exonerated both from blame. The other, while expressing a perfect willingness to give the chairman as a brother attorney, any information he desired, and to show him every professional courtesy, informed him he would tolerate no committee in his office in quest of any information, whatever. The inquiry sought was in perfect good faith and kindly feeling, and the frankness of the one was appreciated, while the position of the other was doubtless inspired by a failure to fairly comprehend the work the committee is aiming to do, and the matter is reported to the Association simply to show that all the attorneys of the state do no properly inform themselves of the work which the Association is doing in its various branches and divisions for the upbuilding and betterment of the profession.

Another matter which was brought to the attention of the committee was a charge made against a member of the bar in one of the northern counties by an attorney in Wisconsin. Certain letters were submitted to the committee tending to show an attempted bribe of the counsel in a cause pending in the Federal Court in Madison. Two questions were thus presented: one, whether the matter being in the Federal Court of a sister state should not be left to the court there, and the other, whether the case presented was a proper one for judicial inquiry. An expression was obtained from all the members of the committee and it was agreed that inasmuch as the attorney was a member of the bar of Michigan and a resident here, the matter should be handled here, but the committee was divided on the main question, and a majority advised inquiring into the former

character and standing of the attorney and let our action be determined in part by that. The chairman acting upon this suggestion, made inquiries as best he could, and while the information was somewhat conflicting, it was decided to lay the matter before the Attorney General and ask him to proceed. The Attorney General, therefore, took the matter under advisement, and went into the locality where the attorney lived and found that his standing there was such that he deemed it best to not bring him before the court. Later the case was tried and the side that was represented by the attorney complained of, was successful in the cause and he considered it as in the nature of a vindication.

The case being a chancery cause, this may in a measure be true, yet your committee believes the acts of the attorney were not such as should meet the approval of the bar, although it may be true he should not be disbarred for what he did. He has asked for the report of the Attorney General in the matter and it is very probable that what was done exerted a healthy influence over him, and all of this tends to show that the people are looking to this committee to keep the bar upright, and the bar is also desirous of living up to the standards set by it.

Several other similar matters have been reported to the committee, but are not deemed of sufficient importance to spread upon this report.

The Committee on Legal Ethics of the American Bar Association asked this Association through its secretary for an expression upon a Code of Ethics proposed by that Association. Your Secretary referred it to this committee for attention, there being no Committee on Legal Ethics now in existence. The chairman not being able to get the committee together, communicated with all the members and sent each a copy of the proposed code, and forwarded their replies to the secretary of the American Bar Association, together with such suggestions as he wished to offer personally.

The same was received by the secretary, who sent a very flattering acknowledgement of the attention given by our committee and for the suggestions made, assuring the committee that he esteemed them of special value to them.

We are pleased to know that the committee is recognized as a factor within the bar and trust that its usefulness will grow as the time goes on.

All of which is respectfully submitted.

C. W. PERRY,
Chairman.

REPORT OF COMMITTEE ON MEMBERSHIP.

To the Officers and Members of

The Michigan State Bar Association:

Gentlemen:

Your Committee on Membership begs leave to report that it, and its predecessor, has passed upon 97 applications for membership since the last meeting of this Association, and that they have admitted that number of applicants. Your committee extended an invitation to every member of the bar of Michigan to become a member of this Association; such invitation was sent through the mails and did not bring in many replies. Your committee is convinced, from its experience in endeavoring to secure members, that the most efficacious method is by personal solicitation. Practically all the applications for membership were secured in this way. The names of the 97 gentlemen admitted to membership will be found in the Secretary's report under the heading "New Members."

LEVI L. BARBOUR,
LAWRENCE C. FYFE,
WM. J. LANDMAN,
Committee.

REPORT OF COMMITTEE OF HISTORIANS

To the Officers and Members of

The Michigan State Bar Association:

Gentlemen:

Your Committee of Historians begs leave to report that since the last annual meeting of this Association, the following named members have passed away: Hon. Theodore G. Beaver, Niles; Hon. Robt. E. Frazer, Detroit; Hon. C. C. Fuller, Big Rapids; Hon. Wm. D. Fuller, Grand Rapids; Hon. Joel C. Hopkins, Battle Creek; Hon. William G. Howard, Kalamazoo; Hon. James A. Jacokes, Pontiac; Hon. Dwight N. Lowell, Romeo; Hon. William A. Moore, Detroit; Hon. John Patton, Grand Rapids; Hon. Charles S. Smith, Saginaw; Hon. Quincy A. Smith, Lansing; Hon. Vernon Smith, Ionia; Hon. Herman W. Stevens, Port Huron; Hon. D. Augustus Straker, Detroit; Hon. Charles E. Thompson, Bad Axe; Hon. George P. Wanty, Grand Rapids and Hon. Alfred Wolcott, Grand Rapids. Short biographical sketches of each of these deceased brothers are appended hereto, as a part of this report, all of which is respectfully submitted.

EDWARD CAHILL,
WM. J. LANDMAN,
Committee of Historians.

(An effort will be made to secure sketches of Hon. Theodore G. Beaver, Hon. Robert E. Frazer and Hon. C. C. Fuller for insertion in our next printed copy of the proceedings. The committee was unable to secure sketches of the above named brothers in time for publication in this pamphlet.)

HON. WILLIAM D. FULLER.

By M. H. Walker.

Hon. William D. Fuller died at his home in the city of Grand Rapids on the 20th day of March, 1908, after a lingering illness. Mr. Fuller was born at Chardon, Geauga County, Ohio, on the 3rd of September, 1840, of parents of sturdy English and Huguenot stock. At the age of five years he removed with his parents to Grand Rapids where he attended the public schools until about sixteen years of age and then continued his studies at Hiram College, Ohio. James A. Garfield was then president of Hiram and the subsequent career and death of Mr. Garfield hallowed Mr. Fuller's college associations and memories.

Mr. Fuller read law in the office of Col. John H. Standish at Newaygo and was there admitted to the bar September 1st, 1864. He was prosecuting attorney of Newaygo County for six years, Assistant United States District Attorney for the Western District of Michigan under Col. Standish from 1873 to 1877; later he published the Newaygo Tribune and became Commissioner of State Swamp Lands under Gov. Begole. In 1887 he was appointed reporter of the Supreme Court and reported the cases found in the 59th Michigan to the 105th Michigan inclusive, a record excelled by none. Mr. Fuller's occasional exhaustive notes in these reports have been of great value to the profession.

Mr. Fuller was originally a Republican, but joined the Greenback party early in its career, and became one of its trusted leaders. He was chairman of the State Central Committee of that party from 1882 to 1886 and achieved a wide reputation as a platform speaker and orator. He was always a strong temperance man and a speaker of force and power in that cause.

He fought the liquor traffic in all its forms fearlessly and persistently.

In 1889 he came to Grand Rapids to live and practiced law there the later years of his life. He was the counsellor and advocate of the poor and friendless—victims of the usurer and oppressor—rendering always faithful and often gratuitous services in their behalf.

As a lawyer he was able and conscientious, caring for principle and for the triumph of the right more than for personal reward. As a citizen he was active, useful and public spirited. He had and retained the confidence of the bench, the respect and good will of the bar, the love of his family and the grateful memory of the many to whom he was a friend in need.

JUDGE JOEL C. HOPKINS.

By Burritt Hamilton.

Hon. Joel C. Hopkins, as a lawyer, a judge and a citizen, was a man who tried to get at the right of things. His mind favored broad, rather than technical, justice. He was interested in the merits of matters. A rugged Scotch ancestry spoke through him and demanded from others, and from himself, an inflexible type of honesty.

He was a U. of M. man, and his mind was rich in information, but his habits of professional practice—his point of view, his grasp of principles, his breadth of professional courtesy—were largely formed and fixed by contact with the well-known firm of Brown & Thomas, in whose office he was a student.

The legal career of Judge Hopkins covered the period between

1884 and April 29, 1907, the date of his death. His ability as a counsellor outranked, perhaps, his talents as a trial lawyer. And this judicial trend of mind made his career as a judge highly successful. It was natural for him to be fair; but when his conscience came into conflict with statutes—when respondents clearly guilty of abhorrent offenses sought sanctuary in over-lenient laws—the manhood within him arose in open rebellion against his technical limitations as a judge.

He was an excellent chancellor. The suitor with a meritorious case was safe in his court. He had the confidence of his community. He is said to have been the only Democrat elected to the bench of the 37th judicial circuit in forty years.

In 1896 he was appointed United States Commissioner by Judge Swan. In 1897 he was city attorney at Battle Creek. He was elected circuit judge in 1902, and performed the duties of that office from January 1, 1903, to January 1, 1906. Both before and during his term of office he was almost constantly a sufferer from rheumatism, but this was never permitted to impair his official usefulness. His faithfulness to duty during physical suffering stands as an example of poise and fortitude with few parallels.

After leaving the bench, Judge Hopkins re-engaged in the active practice of law. His counsel was widely sought and highly valued. He was in his fiftieth year and at the height of his mental vigor—a leader of the local bar; a lawyer of growing reputation and influence—when he closed his office door for the last time, with every task well done.

HON WILLIAM G. HOWARD.

By A. J. Mills.

At our last convention, the shadows hovered about our President, William G. Howard, as a prophecy of his passing. Bravely and with much satisfaction to all present, though with evident effort, he discharged the duties of his office, and with the fall of the gavel on adjournment, rounded out a most honorable and distinguished professional career.

True, he lingered as in the twilight, until August 8th, when night overtook him and his spirit entered the darkness on its journey to eternal light and life.

He was born in the township of Ontawa, Cass County, Michigan, in May, 1846, and after the uneventful life of a farmer boy, during which he acquired a good common school education, he entered the Kalamazoo College, from which he graduated and became a student in the office of Hon. N. A. Balch at Kalamazoo. Here he was admitted to the bar, but subsequently became a student in the Law Department of the University of Michigan. On leaving that institution, he commenced the practice of his profession at Niles, Michigan, but a few months later changed his residence to Dowagiac and became Prosecuting Attorney of Cass County and a member of the law firm of Sullivan & Howard. In 1873 he again took up his residence at Kalamazoo as one of the firm of Balch, Howard & Balch. In 1878 the firm of Brown, Howard & Roos was formed, which was dissolved in 1880, when the senior member, Hon. Arthur Brown, removed to Salt Lake City, Utah. Messrs. Howard & Roos continued as partners until 1897, when Harry C. Howard joined the firm, which became Howard, Roos & Howard. In 1902, Mr. Roos severed his connection with the business, which was thereafter continued by father and son as Howard & Howard.

William G. Howard was a genial, lovable man, who delighted in the successes of his friends and had no time or disposition to disparage anyone. He was respected and admired by a host of professional brethren, his contemporaries, as well as by the people of Southwestern Michigan generally. He was interested and active in politics as a consistent, patriotic Democrat. Several times he was a prominent candidate for high political position. In public affairs he took a leading and useful part. His advice and coöperation in such matters were highly regarded and frequently sought. He was liberal and charitable, giving largely of his time and means to advance the cause of education and promote civic betterment. He was a splendid citizen, and as a neighbor won the unstinted praise and good opinion of every community in which he cast his lot. He was a fearless, effective advocate, eloquent, forceful and witty—just, however, and generous. He studied human nature to good purpose and made it count in many a hard-fought legal contest. He was recognized as among the very ablest of the lawyers of our state and enjoyed a large and lucrative practice, especially in Southwestern Michigan and the counties of Kalamazoo, Van Buren, Berrien, Allegan, Cass, St. Joseph, Calhoun and Kent. He was a patent lawyer of note and ability and in that branch of his profession, as well as in trade-mark causes, conducted much important litigation in the Federal Courts of Michigan, New York, Illinois, Iowa, Kansas, Nebraska, Missouri, Tennessee and New Jersey. His general practice in the Federal Courts of Michigan was large and his record quite successful. He was for years the leading attorney and solicitor for the complainant in the celebrated Reed Spring Tooth Harrow litigation. He took part with great distinction in a good many criminal causes of note and won for himself laurels and renown in that branch of the law. He was always regarded as a sound lawyer and a safe, judicious and honest counsellor. He was the soul of honor at all times and beloved by all who made his acquaintance. He was most distinctively an honor to the bar of Michigan and his death was a bereavement not alone to his brethren, but to the public. The record of his busy, successful life is written upon the pages of the journals of the courts in which he practiced and in the reports of the decisions in the courts of last resort, not only in Michigan, but in the surrounding states. He is much missed by his brethren of the Kalamazoo bar, and many a day will pass before he is forgotten and when his name is not spoken by lawyers who were his associates and friends, as well as by those who never met him, but have learned the story of his distinguished life.

HON. JAMES A. JACOKES.

By John H. Patterson.

James A. Jacokes was born in Geneva, N. Y., November 21, 1834. He was a son of Rev. Daniel C. Jacokes. He was educated largely under the instruction of his father, and later attended Albion College and took up the study of law in 1857 and was admitted to the bar at Pontiac in 1861, from which time he was actively engaged in the profession until within about a year before his death. He was a student in the office of Judge A. C. Baldwin and was later associated in practice with Judge Baldwin under the firm name of Baldwin, Draper & Jacokes.

In 1862 Judge Jacokes was elected Circuit Court Commissioner and held the office four years. He served as City Attorney at Pontiac for four years, and in 1876 was elected Judge of Probate for the

county of Oakland, and occupied that office for four years. From 1880 to 1895 he was a member of the School Board.

He was a Democrat in politics. He was a diligent student from early life and was well versed in literature and science. He was never prominent in Court-work, but excelled as an office lawyer, and for many years had an extensive clientage.

He was married October 15, 1867, to Camilla Manning, a daughter of Hon. Randolph Manning, an Associate Judge of the Supreme Court of Michigan in the 50's.

He died October 27, 1907. He was of a kind and sympathetic nature and won the esteem and respect of all who came in contact with him.

HON. DWIGHT N. LOWELL.

By Robert F. Eldredge.

Dwight N. Lowell, whose death occurred at Romeo, Mich., after a long sickness, July 27th, 1907, was one of the most prominent attorneys in his section of the state, an active, interested member of the State Bar Association, the President of the Macomb County Bar Association, and ever an earnest supporter of any move that tended to the maintenance of a high standard in the profession. He was born January 15th, 1843, on his father's farm just south of Romeo, Mich. Getting his preparatory education in the district school, the Dickinson Institute at Romeo, and the Jackson High School, he entered the University of Michigan in 1863 and took his A. B. degree there in June, 1867. In the fall of that year he began the study of law in the office of the Hon. E. F. Mead at Romeo, and was admitted to the bar June 14th, 1869. In November of the same year he opened his office in his home village and from that time until his death, with the exception of about six months spent in the office of the Surveyor General of Dakota, Mr. Lowell took an active, prominent and most commendable part in the legal, political and public affairs of the community. His deep interest in the welfare of the school district and village is evidenced by the facts that for seven consecutive years he was President of the village and from 1882 until his death he was director of the Romeo schools. He was ever willing to devote any amount of time and energy to the interests of the public and in caring for the details of any public or private trust he was selected to execute. Few men were as well informed in local history as was he, and he took great pleasure in the preparation of most accurate articles on the history of the schools and of the local bar. Nor were his interests narrowed to local matters. His practice was extensive and included many prominent suits in Macomb, Oakland, Lapeer and St. Clair counties, where his legal abilities, his integrity and his earnest aggressive methods won him a most enviable reputation. In 1882 he was selected as Prosecuting Attorney of Macomb county, and in 1899 was Republican candidate for Circuit Judge. He ever set for himself a very high standard of honor and lived up to it. In his own practice he held himself to stricter legal ethics than he demanded or expected of his fellow-practitioners. His death brought a serious loss to the bar of Macomb county and the state, professionally, and to his home in every way.

HON. WILLIAM AUSTIN MOORE.

By Edward Cahill.

William Austin Moore died at his residence in Detroit, Michigan, on the morning of September 25, 1906.

The Detroit bar adopted the following memorial which should be entered in the records of this Association as an expression of its appreciation of his life and character.

"Mr. Moore was born in Clifton Springs, New York, on the 17th day of April, 1823. He was of Scotch Irish descent. His ancestors emigrated from Londonderry, Ireland, and settled in Londonderry, New Hampshire, in the year 1718. When he was eight years of age he came with other members of his father's family to Michigan, and settled upon a farm in the southern part of Washtenaw county, near the site of the present village of Mooreville. After a preparatory course at Ypsilanti, he entered the University of Michigan in 1846, and graduated from that institution in the class of 1850. In August of that year he went to Salem, Mississippi, where he was employed as a teacher for nearly two years. He returned to Michigan in 1852 and entered the office of Fraser, Davidson & Holbrook, then a leading law firm in Detroit. He was admitted to the bar January 8, 1853, and continued in the active practice of his profession until the close of his life. In 1860 he was Assistant United States District Attorney for this district. He was for several years the attorney for the Board of Police Commissioners. He was a member of the Board of Education of Detroit for a number of years, and its president for nearly four years. He served on the Board of Park Commissioners when it was first organized, and did much to promote the interests of the Detroit Museum of Art.

"While his practice as a lawyer embraced all branches of the profession, he early gave special attention to the admiralty, and became one of the most prominent admiralty lawyers in the Northwest. For nearly thirty years he was retained in nearly every important case of collision which came before the courts of this district. His clientage among vessel owners was large and influential, and his thorough knowledge of the technicalities of navigation, together with his agreeable manner, made him popular with all classes of litigants and witnesses in maritime causes. His candor and well-known reputation for fairness made him also a strong man before the jury in common law causes. Indeed, one of the most marked characteristics in the forum, though rarely, if ever, exhibited in his later years, was his extraordinary force and grace as an orator. When roused he spoke with a voice of exceptional volume and rare beauty of modulation; while his language was most felicitous, and his gestures in harmony with these other qualities, gave the orator the greatest power and rarest charm. In the later years of his life he avoided taking part in the trial of causes, preferring to devote himself to the less arduous but more agreeable duties of his office.

"As a business adviser he achieved a most marked success. The judicial character of his mind, his watchfulness over the true interests of his clients, his desire to avoid litigation, and his unquestioned integrity, well fitted him to act as a harmonizer of conflicting interests. Mr. Moore was a public spirited man, and did much to develop and promote the interests of the city and state. He was generous, ever ready to respond to every worthy object of charity, whether public or private, and to these he gave freely, both of his time and of his means. He was a high-minded citizen. His friendships were firm,

self-sacrificing and enduring to the end. His private life was blameless—'His character without blemish.' In all the relations of life, his daily walk and conversation were worthy of admiration. His influence by precept and example always tended to the elevation of public sentiment. His death at the advanced age of eighty-three years is a loss to the bar and the entire community."

HON. JOHN PATTON.

By Willard F. Keeney.

John Patton was born at Curwensville, Pa., October 30th, 1850. He died at Grand Rapids, Michigan, on May 24th, 1907. Mr. Patton came from a well-known Pennsylvania family which has produced men of ability and prominence in the affairs of that state. He prepared for college at Phillips Academy, Andover, Mass., and graduated from Yale in the class of 1875. He then entered Columbia Law School at New York, and became a graduate of that institution. He came to Grand Rapids in 1878, and continued his residence at that city until his death.

Upon coming to Grand Rapids, Mr. Patton entered the office of Hughes, O'Brien & Smiley, then one of the prominent firms of the state, and continued with them for a year. He thereupon opened an office for the practice of his profession. Mr. Patton became an interested student of public affairs, devoting to them a great portion of his time, and did not actively pursue the ordinary practice of his profession. In the course of a few years he was widely known as one of the able and influential men of Michigan.

In 1884 Mr. Patton was made a member of the Republican State Central Committee of Michigan. He also served with ability for two years as president of the Michigan League of Republican Clubs. He acquired a wide acquaintance among the public men of the time, and was himself conspicuous as an eloquent and forceful speaker in many campaigns.

On May 5th, 1894, he was appointed United States Senator from Michigan to fill the vacancy caused by the death of Senator Stockbridge, and held the position until the following year, when, after an exciting contest, he was defeated for renomination by Senator Burrows. Mr. Patton never again became a candidate for public office or held public place, save as he filled with fidelity the office of Library Commissioner in his home city. He was president of the Library Board in the early period of its history, and did much to shape the policy of the institution and extend its field of usefulness.

Mr. Patton's fitness for the position of United States Senator was recognized. His studious habits and eminent abilities qualified him in high degree to discharge the duties of that office. For many years he was in great demand as a public speaker, not only in his own state, but elsewhere. His tenure of office was brief, and it is, therefore, as a citizen that Mr. Patton exhibited his greatest usefulness. He took earnest part in public affairs, whether of his municipality, state or nation, and clung with greatest tenacity to the highest ideals, thus exercising wide influence for good.

Mr. Patton was also known in the affairs of business life. He was one of the founders, and for a long time vice-president of the Peoples Savings Bank of Grand Rapids, and at the time of his death was acting under appointment of the United States Circuit

Court as receiver of a firm largely engaged in timber, lumber and railroad business in the northern part of the lower peninsula of our state. These affairs, like all others, confided to him, he administered with the scrupulous fidelity and uprightness which he possessed in such large measure.

- HON. CHARLES S. SMITH.

By Wallis Craig Smith.

Charles S. Smith was born in Saginaw, Michigan, June 6th, 1858. His earlier education was acquired in the schools of this city, and after graduating from the High School here, he taught school in an outlying district for two years to acquire sufficient funds to pay his way through the law department of the University of Michigan, which he entered in 1879, graduating in the class of 1881. He was admitted to the Saginaw County bar that same year. After practicing in Saginaw about a year, he located in Devil's Lake, North Dakota, engaging in general practice and becoming City Attorney there.

In 1887 he returned to Saginaw and from then until his death was engaged in practice in this city. Appointed City Attorney in the spring of 1892, he served in that capacity for two years. A few years later he became associated with Watts S. Humphrey and Geo. Grant in the firm of Humphrey & Grant in the practice of law, and at the time of his death was the third member of the firm of Humphrey, Grant & Smith.

I really believe from what I know of him myself, and from what seems to be the common opinion among his associates at the bar, that my brother had very unusual abilities as a lawyer, taking and holding high rank in the profession in this city. If there is any such thing as a "natural born lawyer," he was one. He loved his work and in the words of his partner, Mr. Humphrey, "A knotty legal problem was to him what a good fat nut is to a hungry squirrel." His ideal of legal ethics was high, and in all of the verbal agreements made with his opponents and others, his word was always found as good as a bond.

HON. QUINCY ADAMS SMITH.

By Edward Cahill.

Quincy Adams Smith, a distinguished citizen and able member of the bar, of Lansing, died in a hospital at Ann Arbor as the result of an operation, Tuesday evening, October 1st, 1907.

Judge Smith was born in Dover township about twelve miles west of Cleveland, Ohio. His father, Elijah T. Smith, was of Quaker stock, and a native of Bucks County, Pennsylvania. His mother (nee Fisher) was a native of Vermont. The children of the family were six sons and one daughter. He was a brother of the late Stearns F. Smith, judge of the 35th judicial circuit. He is survived by his wife and two daughters.

Judge Smith graduated from the law department of the University of Michigan, March 29, 1871. After graduating he was located for some time in Wichita, Kansas, coming from there to Williamston, Ingham County, where he practiced law until he was elected Judge of Probate, in 1884. He was re-elected in 1888, and took up his permanent home at Lansing. In 1891, he resigned his office and entered actively upon the practice of his profession. In 1892 he

formed a partnership with J. P. Lee and George F. Day, under the firm name of Smith, Lee & Day. He outlived both his partners, and in 1897 formed a new partnership with O. J. Hood, which continued until Judge Smith's death.

Judge Smith was in politics a Democrat, and in 1896 he was the candidate of his party for congress in the sixth congressional district, but was defeated. He took great interest in all public questions, was devout and sincere in his religious convictions, and was recognized by all who knew him as a friend of humanity.

Judge Smith attained a high standing at the bar. He had an original mind, and was likely to search for the reason of the law rather than for precedents in forming his legal conclusions. He was possessed of an eloquence peculiar to himself, which was persuasive with courts and juries. Though usually deliberative and argumentative in his manner, he would at times break into a frenzy of passionate speech that would move every one who heard him. No member of the bar of Ingham County had warmer personal friends than Judge Smith and his loss was deeply felt.

HON. VERNON H. SMITH.

From Resolutions adopted by the Ionia County Bar.

Vernon H. Smith was born on December 29, 1838, at Brantford in the province of Ontario. His parents, Ansel and Phoebe Smith, were natives of the state of New York. He came to Ionia, Michigan, in 1859, and at first was engaged as clerk in the general store of his brothers, L. D. and M. C. Smith. Subsequently, and in the early sixties, he was appointed deputy clerk of this county. At the general election in 1866 he was elected register of deeds, and was re-elected in 1868, holding that office until January 1st, 1871. On the ninth day of August, 1872, he was admitted to the bar of this court as a practitioner at law and in chancery, and immediately began the practice of that profession.

In 1873 he entered into copartnership with Lemuel Clute under the firm name of Clute & Smith, and continued such partnership relations for the period of three years. In 1874 he was elected circuit court commissioner of this county and held that office for the period of one term. In 1877, he, together with H. C. Sessions, formed a copartnership under the firm name of Smith & Sessions, which relations continued until January 1, 1882. This firm was employed in many important cases. At the judicial election held in April, 1881, he was elected circuit court judge of this, the Eighth judicial circuit of this state to succeed the late Hon. Louis S. Lovell, who had occupied that position for many years and was deservedly held in high esteem.

Judge Smith entered upon his judicial career on January 1, 1882. This circuit was then composed of three counties, Ionia, Clinton and Montcalm. There was much important litigation, and the duties of the position were many and arduous. He was re-elected to this office in April, 1887, and performed its duties until January 1, 1894, when he was succeeded by Hon. F. D. M. Davis. Upon his retirement from the bench, Judge Smith at once re-engaged in the practice of his profession and continued actively therein, either alone or in copartnership with either his son, Hal H. Smith, or his son, Lawrence W. Smith, until the time of his death. In the meantime he was the candidate of his party at one time for the office of member of congress from this district, and upon another occasion he was a

candidate for the office of judge of the supreme court of this state. He was also for many years member of the school board of our city schools.

On the twenty-first day of April, 1908, in the fullness of his ripened faculties, secure in the esteem and respect of his friends, crowned with the honors betowed upon him by his fellow-citizens, at his own home surrounded by his family, dear to him by association and ties of nature, he passed out of this life into that which is beyond.

Judge Smith was a man distinguished by ready wit, quickness of repartee, the faculty of accurate and graceful expression, and the gift of magnetic and eloquent speech. He was a man of great intellectual independence, and exhibited great tenacity in asserting or in defending his opinions. He permitted no man and no organization of men to do his thinking for him, or to determine for him his course or line of action. As a lawyer he was a close student, and was well equipped both by natural endowments and by intellectual acquirement and training to conduct the trial of a litigated case or to advise as to legal rights. As a judge, determining the rights or perchance deciding the liberties of his fellow-men, he was just and upright, without fear and above the exhibition of favor or partiality.

HON. HERMAN W. STEVENS.

By Herman L. Stevens.

Herman Walter Stevens was a native of Michigan, being born at Romeo, Macomb County, November 4, 1843. He was a son of Harmon L. Stevens, a native of Genesee County, New York, who married Miss Maria L. Mitchell, a sister of Judge William T. Mitchell, May 4, 1841, and came to Michigan in 1843, settling at Romeo, in Macomb County, where he engaged in general mercantile business for three years, during which time Herman W. Stevens was born, and where they remained until 1847, when they came to Port Huron, at which place Herman W. Stevens resided until the date of his death, May 15, 1907.

Herman W. Stevens had two sisters, both dying when small children. His father died about 1880, but his mother is still living at the age of ninety-three. He attended the public schools at Port Huron, then school at Ypsilanti, and later entered the State University at Ann Arbor, graduating from the Literary Department in 1866. He then studied law, graduating from the Law Department in 1868. While at Ann Arbor he was a member of the Sigma Phi Fraternity.

Returning to Port Huron, he engaged in the practice of law, making it his profession up to the time of his death. In 1881 he was elected judge of the Circuit Court, at that time including Macomb and St. Clair Counties, for a period of six years. In 1895 he received the unanimous endorsement of the Republican St. Clair county delegation for judge of the Supreme Court. He also held the office of City Attorney for four years, and served as Circuit Court Commissioner for four years. In 1898 Mr. Stevens was elected mayor of the city of Port Huron, holding the office for one term.

Mr. Stevens was united in marriage to Miss Sarah Elizabeth Bishop, daughter of Russel Bishop, a banker of Flint, Michigan. They had seven children, three of whom died in infancy, the remaining four being Mary B. Menish, Rose M. Stevens, Herman Leroy Stevens and Walter R. Stevens, all of whom reside at Port Huron, Michigan.

During his legal career he was associated as law partner with the late Anson E. Chadwick, under the firm name of Stevens & Chadwick, later with the late Judge N. E. Thomas, then with S. L. Merriman, now of Detroit, and then with John C. Graham up to about 1902, when he formed a partnership with John C. Graham, Herman L. Stevens and Walter R. Stevens, under the firm name of Stevens, Graham & Stevens.

Herman W. Stevens was closely connected with a number of Port Huron's leading corporations, for whom he was attorney, and was a member of their board of directors, among which were the Port Huron Engine & Thresher Co., the Port Huron Savings Bank, the Grand Trunk Elevator Co., and the Michigan Salt Works. He was one of the original promoters and for years was attorney for the Port Huron Northwestern Railway Co., until the same was absorbed by the Pere Marquette Railway System. He had a large legal practice and was closely connected as attorney with many of the largest estates in the city, and had accumulated at his death a considerable estate of his own.

He was a member of Port Huron Lodge, F. & A. M.

HON. D. AUGUSTUS STRAKER.

(From the Detroit Free Press, February 15th, 1908.)

D. Augustus Straker died yesterday of pneumonia, following a week's illness, at his home, 230 Baggs Street. He was a man of whom the negroes of Detroit were proud and whom those not of his race held in high esteem.

Mr. Straker was a capable lawyer and well known for his eloquence. He was chosen circuit court commissioner in Wayne County in 1892, the first colored man to be elected to that office. In 1902 Howard University conferred on him the degree of LL. D. He was the first negro so honored by that institution.

Mr. Straker was born in the West Indies 66 years ago and came to the United States after the civil war, his first work being as a tailor's apprentice. Soon after he taught school in Louisville, Ky., and with the money he saved at this occupation he managed to enter the law department of Howard University, at Washington, D. C. For some time after graduation he was employed in the auditing department of the United States treasury and later took up the practice of law at Orangeburg, S. C. In 1876 he was elected to the legislature and took part in the famous struggle between the Democratic and Republican bodies. In 1882 he was appointed dean of Allen University, negro institution at Charleston, S. C. In 1887, when the negro race was disfranchised under Democratic rule, Mr. Straker came to Detroit, where 16 years before he had married the daughter of John D. Richards.

Mr. Straker's wife died a short time ago. He is survived by an adopted daughter, Miss Anna Glover. The funeral services will be held Monday afternoon at the residence, burial in Woodmere.

At a meeting of the Detroit Bar Association at circuit court room No. 5 at noon today, suitable resolutions will be adopted. The committee on resolutions is as follows: Circuit Judge Murphy, Recorder James Phelan, William C. Swan, Jams H. Pound and Circuit Judge Brooke.

HON. CHARLES E. THOMPSON.

By Wm. T. Bope.

Hon Charles E. Thompson was a member of the Huron County bar for many years. He was of New England descent, and his ancestry is traced back by the best of documentary proofs, and public records to the year 1637. From Vol. 4, page 112, of the Plymouth Court Records, dated Dec. 2nd, 1665, I submit the following extract: "At this Court Nathaniel Bacon, John Chipman, John Thompson and Trustee Hull were approved by the Court to be the Select men of the towne of Barnstable." It is an interesting fact that Charles E. Thompson and Hiram L. Chipman, lineal descendants of John Thompson and John Chipman, referred to in this Court Record, both practiced law at Bad Axe, during nearly all of their business lives, and neither of them learned during Charles E. Thompson's life, that their ancestors were members of the same public board nearly two hundred and fifty years ago. Charles E. Thompson was born in Port Huron July 9th, 1845, and passed out of this life at Bad Axe, March 27th, 1907. Throughout his career, he was best known for the purity of his life, and the honesty and integrity of his character, but he also possessed exceptional business qualifications. He was so well known in these respects that he had conferred upon him every county office within the gift of the people, for two terms, except those of Sheriff and Prosecuting Attorney. In his profession, the trend of his mind, carried him more to the Probate and Chancery practice than to the trial of jury cases. In his special lines, he proved himself at all times, not only an able and honest lawyer, but a safe adviser. He not only did much to elevate the tone of this bar, but he brought a salutary and refining influence to hundreds of others. It is not easy to estimate the benefits to a community resulting from such a life.

He was an active and honored member of nearly all of the fraternal societies, being a 32° Mason, and a member of the Scottish Rite, the Shrine and Knights Templar. He was also prominent in the orders of the Odd Fellows and the Maccabees. One of his chief characteristics was his love of clerical work and his accuracy in its performance. For this reason, he did all the clerical work in all the local lodges of which he was a member, for more than a score of years. In church work, he was identified with the Presbyterian organization. He left surviving him, a widow, Mrs. Elizabeth Thompson of Bad Axe, and four children, Charles D. Thompson, who is now a prominent attorney of Bad Axe, Mrs. Grace McDonald Thompson of Denver, Colorado, Elizabeth L. of Bad Axe, and Helen E. of Ann Arbor, U. of M.

He was buried with Masonic honors, and appropriate resolutions were passed by the bar and his fraternal societies. While we realize how futile it is for the human mind to complain of Death's grim work, we cannot but feel that it is unfortunate that such men could not be permitted to live to attain a riper age.

HON. GEORGE PROCTOR WANTY.

By Judge L. E. Knappen.

George Proctor Wanty was born at Ann Arbor, Michigan, March 12, 1856. He was the son of Samuel Wanty, who died at Ann Arbor in 1859, and Elizabeth Proctor Wanty, now residing at Muskegon, Michigan. On his father's side he descended from an old Huguenot family, which went from France to England early in the 17th century

and settled at Thorny Abbey, in Cambridgeshire. On his mother's side he came from the Proctors of Cambridgeshire and Lincolnshire.

He prepared for college in the public schools at Ann Arbor, and was ready to enter the University in 1875. He was obliged, however, to go to work, and during the succeeding four years held various business positions, including that of messenger in the Ann Arbor Savings Bank during Judge Cooley's presidency of that institution, clerk in the First National Bank of Ann Arbor, and later bookkeeper of the Industrial Works at Bay City.

In 1876 he entered the Law Department of the University, from which he was graduated in 1878. During this period he was a clerk in the office of Judge Cooley, taking in connection with his law work, special studies in the Literary Department, principally history, political economy and international law. Immediately upon his admission to the bar he removed to Grand Rapids, where he continued in active practice until his appointment to the federal bench,—first taking a clerkship in the office of Stuart & Sweet, and later being a member successively of the firms of Foote & Wanty, Maynard & Wanty, Fletcher & Wanty and Wanty & Knappen. From the time of his admission to the bar, Judge Wanty was remarkably successful. An excellent lawyer, a systematic student, of unusual industry and energy, with a high standard of professional loyalty and ethics, of sound and discriminating judgment, he drew to himself from the start a large and valuable clientage. He was equally successful as a trial lawyer and in the presentation of causes in the courts of error, both state and federal; and for many years before he went upon the bench stood in the foremost rank at the Michigan bar. He always took an active part in the higher work of his profession. During the year 1895 to 1896, he was president of the State Bar Association, and was for many years a prominent member of the American Bar Association, being from 1893 until after his accession to the bench a member of the General Council of that body, and for four years holding the office of chairman of the General Council. He was, through that relation, intimately connected with the development and growth of legislation affecting the federal courts.

While always taking an active interest in civic and public affairs, the judgeship was the only public office he ever held. He became judge of the United States District Court for the Western District of Michigan March 14, 1900. During his service of six years upon the bench, Judge Wanty maintained the same enviable reputation he had gained at the bar, taking high rank among the federal judges of the Sixth Circuit.

In the summer of 1906 he visited England with his family, in the hope of benefiting his health, but death overtook him at London on July 9th of that year. He died as he had lived, not only universally respected and admired as a lawyer, a judge and a citizen, but personally loved by a wide circle of devoted friends, to whom his high private character, his intense affection for and loyalty to his friends, and the singular attractiveness of his personality had endeared him. He was buried at Grand Rapids, Michigan, July 21, 1906. On the day of his funeral impressive memorial services were held at the United States court room in Grand Rapids, participated in by prominent members of the bar and bench, both state and federal. On June 22, 1886, he married Miss Emma C. Nichols, who survives her husband, together with their two children, Helen, and Thomas Cooley.

HON. ALFRED WOLCOTT.

By Judge W. B. Perkins.

Alfred Wolcott, one of the judges of the Seventeenth Judicial Circuit, died at his home in Grand Rapids, Michigan, March 8, 1908.

With no premonition of impending dissolution, and apparently in the full vigor of his mental and physical powers, Judge Wolcott continued his work upon the bench until the close of the day preceding his death.

He was born in Summit County, Ohio, March 17, 1858, the son of Alfred and Mary Ann (Scoville) Wolcott, and was one of eleven children, six of whom reached the years of maturity; namely, Simon P., ex-State Senator, and a lawyer of Kent, Ohio; Andrew A., who died in the Civil War; John M., in the post office department at Washington, D. C.; Anna A., wife of Rev. L. B. Bissell, of Detroit, Michigan; Fremont C., formerly a manufacturer at Canton, Ohio, now deceased, and Judge Wolcott.

His boyhood years were spent upon his father's farm. His early education was obtained at a country school in his native county. When sixteen years of age he entered the preparatory department of the Western Reserve College at Hudson, Ohio. At eighteen he was matriculated in the college proper, and in June, 1880, at the age of twenty-two, graduated with the degree of B. A., taking the honors of his class and giving the philosophical oration. He then went to Cincinnati, Ohio, where he studied law in the office of E. P. Bradstreet for one year.

In the fall of 1882 he came to the city of Grand Rapids and continued his law studies in the office of Stuart & Sweet. In May, 1883, he was admitted to the Michigan bar. In 1885 he formed a law partnership with Horton H. Drury. This partnership continued until 1892, when he was elected Prosecuting Attorney of Kent County. In 1888 he was elected Circuit Court Commissioner, and served two years in that office. On his election as Prosecuting Attorney he associated himself with Mr. Charles E. Ward, under the firm name of Wolcott & Ward. This partnership continued until he assumed the duties of Circuit Judge January 1, 1900. In 1894 he was re-elected Prosecuting Attorney, and after the expiration of his second term he devoted himself exclusively to the practice of his profession until he went upon the bench.

He was united in marriage at Akron, Ohio, November 21, 1885, with Miss Carrie B. Hawk, a daughter of Daniel and Louise Hawk. Two children were born from this union, Mabel L. and Hazel K., both of whom were in attendance at Vassar College at the time of his death.

As a practitioner at the bar Judge Wolcott early displayed that earnestness of purpose, fidelity, and mental grasp which gave the promise of his future successful career. His services as a public officer are written large upon the official records of the several courts of this county and state. His work was performed with apparent ease, and he had the happy faculty of enjoying social contact with his friends the moment his work was laid aside.

He took a keen interest in public affairs, and particularly in the reforms now in progress in relation to our penal laws. He took an active part in the advancement of the indeterminate sentence idea and the passage of the law in relation to that subject and the various amendments thereto. He was deeply interested in the juvenile court

law and devoted a great deal of time to the study of the juvenile offender and to the dissemination of knowledge upon that subject.

He was conservative to a degree, but once convinced he would press his conclusions home with logic and power.

If success in life consists in the well-doing of one's duty and the gaining of the love, admiration, esteem and confidence of the community in which one lives, the life of Judge Wolcott was a success. His influence for good will extend beyond the generation in which he lived. He left to his family and to his many friends a spotless character, a name of which all may be justly proud, and an example of right-living and right-doing which will be an inspiration to all familiar with his life and character.

The grave may bury its dead dust, but a good character walks the world for all time—a benediction and a blessing to mankind.

REPORT OF COMMITTEE ON CHRISTIANCY MEMORIAL.

To the Michigan State Bar Association:

Gentlemen:

Your Committee on the Christianity Memorial would respectfully report that pursuant to the resolution adopted at the last meeting of the Association, the Secretary thereof sent to nearly every member of the bar of the state an appeal for subscriptions to a fund to secure and place in the Law Library at Lansing a marble bust of Judge Christianity, like the one of Judge Campbell now in that library. As a result of this appeal subscriptions to the amount of \$400 were received and \$277 was paid in on these subscriptions.

Three weeks since, subscription lists were sent to each Circuit Judge in the state with a request that these be presented to the members of the bar. We now have subscriptions to the amount of \$829, and expect the return of some of these lists with further subscriptions.

This committee has secured several photographs of Judge Christianity and submitted them to Mr. Potter of Greenwich, Conn., who will undertake to furnish the desired bust, at a cost of about \$1,100. Your committee thinks it is advisable to have the work executed by Mr. Potter.

It is expected that the balance of the fund required will be subscribed, and your committee urges the members of the Association present to make subscriptions at this time. We recommend that as soon as sufficient funds are provided, a commission be given to Mr. Potter for the bust and that when completed, it be placed in the Library, at Lansing.

June 26th, 1908.

H. A. LOCKWOOD,
JOHN C. DONNELLY,
S. L. KILBOURNE,
W. F. KEENEY,
GRANT FELLOWS.

Committee.

**REPORT OF SUBSCRIPTIONS TO THE CHRISTIANCY
MEMORIAL FUND.**

DATE	NAME AND ADDRESS	Subscribed
July 10, 1908.	Anderson, David, Paw Paw	\$ 1 00
Dec. 13, 1907.	Baldwin, Albert J., St. Johns	1 00
July 23, 1907.	Baldwin, C. E., Adrian	1 00
July 4, 1907.	Baldwin, W. Monroe	5 00
July 29, 1908.	Ball & Stone, Houghton	25 00
June 8, 1908.	Ball, J. E., Marquette	2 00
July 5, 1907.	Barbour, Levi L., Detroit	10 00
June 8, 1908.	Barnard, W. J., Paw Paw	1 00
July 24, 1907.	Barnett, Jas. F., Grand Rapids	5 00
July 4, 1907.	Beaumont, John W., Detroit	2 00
June 8, 1908.	Bell, F. A., Marquette	2 00
July 4, 1907.	Bennett, A., Adrian	2 00
July 10, 1908.	Bessy, W. G., South Haven	1 00
July 4, 1907.	Bissell, John H., Detroit	5 00
June 8, 1908.	Blair, Charles B., Lansing	10 00
July 4, 1907.	Boudeman, Dallas, Kalamazoo	5 00
July 4, 1907.	Bragdon, A. B., Monroe	2 00
Aug. 17, 1907.	Brennan, Donnelly & VandeMark, Detroit	10 00
June 8, 1908.	Brown, George P., Marquette	2 00
July 8, 1907.	Brown, Henry B., Washington, D. C.	10 00
June 8, 1908.	Bundy, Travis & Merrick, Grand Rapids	10 00
July 29, 1908.	Burritt, W. A., Hancock	5 00

June 8, 1908...	Butterfield & Keeney, Grand Rapids.....	10 00
June 8, 1908...	Button, C. F., Marquette.....	3 00
July 8, 1907...	Byers, I. W., Iron River.....	1 00
Aug. 5, 1907...	Cady, Burt D., Port Huron.....	2 00
June 28, 1907...	Campbell, Henry M., Detroit.....	25 00
June 28, 1907...	Campbell, Charles, H., Detroit.....	10 00
June 26, 1907...	Campbell, Gordon R., Calumet.....	5 00
Aug. 4, 1908...	Carpenter, Wm. L., Lansing.....	2 00
July 8, 1907...	Cavanaugh, Thos. J., Paw Paw.....	1 00
July 10, 1908...	Cavanaugh, Thos. J., Paw Paw.....	10 00
July 8, 1907...	Chadbourne, T. L., Houghton.....	100 00
June 8, 1908...	Chadbourne, T. L., Houghton.....	1 00
July 20, 1907...	Chandler, J. E., South Haven.....	2 00
June 8, 1908...	Chapin, E. C., Lansing.....	2 00
June 26, 1907...	Chappel, Fred L., Kalamazoo.....	2 00
June 8, 1908...	Clapperton & Owen, Grand Rapids.....	1 00
July 10, 1908...	Cogshall, Fred C., South Haven.....	2 00
July 10, 1907...	Colgrove & Potter, Hastings.....	5 00
June 8, 1908...	Collins, O. L., Bay City.....	5 00
July 4, 1907...	Conant, H. A., Monroe.....	2 00
July 29, 1907...	Condon, Frank C., Houghton.....	5 00
Aug. 21, 1907...	Corliss, Leete & Joslyn, Detroit.....	10 00
June 26, 1907...	Crane & Norris, Grand Rapids.....	2 00
July 9, 1908...	Crocker, M. H., Calumet.....	2 00
July 5, 1907...	Cropsey, Jesse R., Vicksburg.....	5 00
July 4, 1907...	Danaher, M. B., Ludington.....	1 00
July 10, 1908...	DesVoignes, L. B., Cassopolis.....	15 00
July 4, 1907...	Dickins, n., Don M., Detroit.....	5 00
July 4, 1908...	Dixon, Thornton, Monroe.....	2 00
June 8, 1908...	Dodge, Frank L., Lansing.....	1 00
June 8, 1908...	Dolan, F. H., Lansing.....	2 00
July 4, 1907...	Dunnebacke, Joe H., Lansing.....	2 00
June 26, 1907...	Earl, Otis A., Kalamazoo.....	5 00
July 29, 1908...	Finnegan, J. T., Houghton.....	5 00
June 25, 1907...	Fitzpatrick, W. G., Detroit.....	2 00
June 8, 1908...	Foster, C. W. & W. S., Lansing.....	2 00
June 8, 1908...	Frazer, Wm. A., Lansing.....	1 00
July 10, 1908...	Free, A. Lynn, Paw Paw.....	2 00
July 29, 1908...	Galbraith, W. J., Calumet.....	5 00
Aug. 16, 1907...	Geer, Harrison, Detroit.....	5 00
July 4, 1907...	Gilday, E. R., Monroe.....	5 00
July 4, 1907...	Golden, C. A., Monroe.....	5 00
Aug. 4, 1908...	Grant, C. B., Lansing.....	5 00
Aug. 13, 1907...	Graves, Frank P., St. Joseph.....	10 00
July 10, 1907...	Graves, Henry B., Detroit.....	5 00
June 25, 1907...	Gray & Gray, Detroit.....	5 00
July 29, 1908...	Haile, Norman, W., Houghton.....	5 00
June 8, 1908...	Hall, De Vere, Bay City.....	2 00
June 8, 1908...	Hammond, C. F. & E. T., Lansing.....	5 00
June 25, 1908...	Hanchette, C. D., Hancock.....	5 00
June 8, 1908...	Hatch & Raymond, Grand Rapids.....	3 00
July 13, 1907...	Hatch, Wm. B., Ypsilanti.....	5 00
Aug. 27, 1907...	Hixson, Virgil L., Manistique.....	5 00
Aug. 4, 1908...	Hooker, Frank A., Lansing.....	5 00
Aug. 4, 1908...	Hopkins, Chas. C., Lansing.....	5 00
July 6, 1907...	Howard, Harry C., Kalamazoo.....	5 00
June 26, 1907...	Hunt, Harry E., Detroit.....	10 00
June 8, 1908...	Hyde, Earle & Thornton, Grand Rapids.....	1 00
June 25, 1907...	Jewett, Henry R., Adrian.....	10 00
June 25, 1908...	Joslyn, Chas., Detroit.....	10 00
Aug. 27, 1907...	Kenna, Lightner & Oxtoby, Detroit.....	5 00
Sept. 2, 1907...	Kent, C. A., Detroit.....	5 00
June 8, 1908...	Kerr, A. W., Calumet.....	5 00
June 8, 1908...	Kilborun*, S. L., Lansing.....	5 00
July 4, 1907...	Kiley, John J., Monroe.....	10 00
Aug. 8, 1907...	Kleinbans & Knappen, Grand Rapids.....	10 00
June 8, 1908...	Kleinbans & Knappen, Grand Rapids.....	5 00
July 5, 1907...	Knappen, L. E., Grand Rapids.....	5 00
July 4, 1907...	Landon, Geo. M., Monroe.....	2 00
July 4, 1907...	Larson, O. J., Duluth, Minn.....	2 00
July 10, 1908...	Larson, O. J., Du uth, Minn.....	5 00
June 25, 1908...	Lawton, S. L., Hancock.....	5 00
July 4, 1907...	Lockwood, Harry A., Monroe.....	5 00
June 8, 1908...	Lombard & Hext, Grand Rapids.....	3 00
June 8, 1908...	Looney, R. F., Houghton.....	5 00
June 8, 1908...	Legrie, Louis N., Houghton.....	2 00
June 25, 1908...	Lucas, Anthony, Calumet.....	5 00
Aug. 4, 1908...	McAlvay, Aaron V., Lansing.....	2 00
June 8, 1908...	McCormick, E., Calumet.....	5 00
June 25, 1908...	MacDonald, W. J., Calumet.....	

June 8, 1908..	Maybury, Lucking, Emmons & Helfman, Detroit.	5 00
June 25, 1907..	Merrick, Benj. P., Grand Rapids	10 00
June 8, 1908..	Miller, A. E., Marquette	3 00
June 25, 1907..	Miller, Sidney T., Detroit	10 00
July 10, 1907..	Montgomery, R. M., Lansing	5 00
Aug 4, 1908..	Montgomery, R. M., Lansing	5 00
July 5, 1907..	Moore, Jos. B., Lansing	5 00
July 10, 1907..	Moore, Standart & Drake, Detroit	5 00
June 8, 1907..	Nichols, Jason E., Lansing	5 00
July 5, 1907..	Nichols, C. W., Lansing	5 00
June 25, 1908..	O'Brien, P. H., Larium	2 00
July 4, 1907..	Ostrander, Russell C., Lansing	10 00
Oct. 7, 1907..	Patterson, John C., Marshall	2 00
June 8, 1908..	Perkins, Willis B., Grand Rapids	5 00
July 4, 1907..	Perry, C. W., Clare	2 00
June 8, 1908..	Peters, Rollin H., Lansing	5 00
June 8, 1908..	Petermann, A. E., Calumet	5 00
June 8, 1908..	Peters, F. S., Lansing	3 00
June 8, 1908..	Pierce & Kinnane, Bay City	3 00
June 8, 1908..	Potter, W. T., Marquette	2 00
July 4, 1907..	Price, Richard, Jackson	2 00
July 14, 1908..	Reea, Allen F., Houghton	25 00
July 29, 1908..	Robinson, Deen L., Houghton	5 00
June 25, 1907..	Robson, Frank E., Detroit	5 00
July 4, 1907..	Root, Je-se H., Monroe	1 00
July 10, 1908..	Rowland, O. W.	2 00
Aug. 31, 1907..	Sawyer, A. L., Menominee	5 00
July 4, 1907..	Sharpe, Nelson, West Branch	5 00
July 20, 1907..	Shaw, Warren, Cady & Oakes, Detroit	10 00
July 29, 1908..	Shelden, R. Skiff, Houghton	25 00
June 8, 1908..	Sherwood, M. J., Marquette	2 00
June 8, 1908..	Silsbee, H. A., Lansing	2 00
June 8, 1908..	Smedley & Corwin, Grand Rapids	5 00
July 4, 1907..	Spalding, George, Monroe	5 00
June 25, 1907..	Stearns, A. M., Kalamazoo	2 00
July 8, 1907..	Steere, J. H., Sault Ste. Marie	5 00
July 8, 1907..	Stevens, Frederick W., Detroit	10 00
July 3, 1908..	Stevens, Frederick W., Detroit	10 00
July 29, 1908..	Sireeter, A. T., Houghton	8 00
June 8, 1908..	Stone, J. W., Marquette	10 00
July 2, 1907..	Sweet, Chas. E., Dowagiac	2 00
June 8, 1908..	Taggart, Denison & Wilson, Grand Rapids	15 00
June 8, 1908..	Taggart & Taggart, Grand Rapids	5 00
Aug. 21, 1907..	Taylor, Ora B., Detroit	5 00
July 9, 1907..	Taylor, W. R., Kalamazoo	2 00
June 8, 1908..	Thomas, Cummins & Nichols, Lansing	5 00
July 10, 1908..	Titus, Lincoln H., Paw Paw	1 00
June 8, 1908..	Tuttle, McArthur & Dunnebacke	5 00
July 23, 1907..	Tuttle, A. J., Leelle	2 00
June 25, 1907..	Walters, Henry C., Detroit	5 00
July 10, 1908..	Warner, Glenn E., Paw Paw	1 00
July 9, 1907..	Wilson, Thos. A., Jackson	10 00
Sept. 11, 1907..	Wolf, G. A., Grand Rapids	2 00
June 8, 1908..	Wykes, Roger I., Grand Rapids	2 00

Total subscriptions.....\$ 880 00

**REPORT OF COMMITTEE ON LOCAL AND SPECIAL
LEGISLATION.**

To the Michigan State Bar Association:

Gentlemen:

Your Committee on Local and Special Legislation respectfully submits the following:

Pursuant to the instructions contained in the resolution of Judge Van Zile, adopted at the meeting at Kalamazoo in 1906, and appearing on page 100 of the printed proceedings of that meeting, the committee caused its report of June 27, 1906, (see page 92 of the proceedings of 1906) to be published in the Detroit Legal News, and also had two thousand copies of the report printed in leaflet form which were circulated by the members of the committee as opportunity was offered.

In September, 1907, the committee sent a copy of the report by mail to every newspaper in the state, including weekly, semi-weekly and tri-weekly newspapers and some of the periodical publications that were not strictly newspapers. The report was inclosed with a circular, a copy of which is appended to this report. It was mailed in a sealed envelope with a return card to the chairman of the committee at Bay City, two cents postage prepaid. The total cost of such publication, printing and circulation of the report was approximately forty dollars, the bills for which have been paid by the Association.

The action of the recent Constitutional Convention with relation to this subject, is now well known to the people of the state, and perhaps it may be said that the work of the committee had some influence upon the action of the Convention. At any rate, if the people of the state adopt the revised Constitution, as now seems probable, the object aimed at by the Association will have been accomplished and the evils of local and special legislation eliminated from our state and municipal governments.

There being no further duties imposed upon the committee, we respectfully ask to be discharged.

Very respectfully submitted,

FRANK S. PRATT,

Chairman.

ADOLPH SLOMAN.

Dated Bay City, Michigan, June 25, 1908.

THE MICHIGAN STATE BAR ASSOCIATION.

Committee on Local and Special Legislation.

Frank S. Pratt, Chairman, Bay City.

Adolph Sloman, Detroit.

Arthur J. Lacy, Clare.

Bay City, Mich., Sept. 10, 1907.

To the Press of Michigan:

At the 17th Annual Meeting of the Michigan State Bar Association, held at Kalamazoo on the 27th and 28th of June, 1906, the enclosed report of the Committee on Local and Special Legislation was unanimously adopted, and the committee was directed to make the report public by the distribution of printed copies as it should deem proper, with a view of giving the same the fullest publicity possible throughout the State.

The people of the State at the April election in 1906, voted in favor of holding a convention for the revision of the constitution, and the present Legislature has performed its part and provided for the holding of a Convention which is to convene on October 22d next. The matter of the revision of the constitution is one of the greatest importance to the people of the State, in regard to which they should be fully informed, and believing your paper to be one of influence and wide circulation, the

committee asks that you give the report, and the subject matter thereof, as much prominence in your paper as you conveniently can, making such comments editorially or otherwise in relation thereto, as you may think proper. Your doing so will be greatly appreciated by the Association and the Committee and you will aid us in a high degree in our endeavors to serve the public interest.

That the committee may be informed as to your position in the matter, and the drift of public opinion in that regard, it asks that a copy of your paper containing the report, or any reference to the subject matter thereof, be sent to the chairman of the committee, Mr. Frank S. Pratt, at 406 Shearer Bros. Bldg., Bay City.

FRANK S. PRATT,
ADOLPH SLOMAN,
ARTHUR J. LACY,

Committee.

REPORT OF COMMITTEE ON COSTS IN FEDERAL COURTS.

As Chairman of the Committee on Costs in the Federal Courts, it is proper that some report should be submitted at the coming meeting of the State Bar Association.

I have called two meetings of the committee, but at neither has there been a full attendance. A committee of our local Bar Association has had under consideration for nearly a year the entire question of costs, etc., in the United States Courts, and has examined the questions with much detail and care, taking up from the point of law or court rule and also from a practical and financial standpoint, the question of cost of printing, fees, master's fees, stenographer's fee and every item that is likely to make up a bill of expense, from the time a case is started until it is finished in the Appellate Court. Unfortunately, the report of this committee has not yet been made to our local Bar Association, but it is in progress, and within a very short time, possibly, however, not until September, this report will be made. The work done has been so thorough and complete in its character to warrant, as it seems to me, this committee not taking up the matter until the information already secured shall be formulated. As soon as this report is made to the local Bar Association, it will be acted upon and without doubt reported to the State Bar Association for action and approval. When it is so reported, I will have copies prepared and sent to the several members of the committee, of which, I believe, I am chairman, for such amendments or suggestions as each may desire to make. It will then come before the State Bar Association in a complete form and will be submitted to it for action.

The above is explanatory of a reason for the absence of this committee of a complete report. With this explanation I trust that the matter may be held in abeyance.

Very truly yours,

S. T. DOUGLAS,

Chairman.

**REPORT OF COMMITTEE ON LETTER FROM HON.
D. H. BALL.**

To the Michigan State Bar Association:

Gentlemen: Your Committee on Legislation and Law Reform, to whom was referred the communication of D. H. Ball, pertaining to Act No. 340 of the Public Acts of 1907, regulating the practice on appeal in chancery cases, beg leave to report as follows:

1. We recommend that said act be repealed, for the reason that records on appeal prepared in the manner prescribed therein are unduly prolix, causing unnecessary expense to litigants in printing such records and unnecessary labor on the part of both court and counsel in the examination thereof, and for the further reason that such act might work great hardship in many cases on the clerk of the court in requiring him to prepare copies of all papers filed in the case, for the nominal fee of \$5.00.

2. We recommend that the incoming committee on Legislation and Law Reform be requested to give consideration to the matter of the time which should be allowed for taking appeals in chancery and the requiring of bonds on such appeals, and that such committee prepare and recommend to the Legislature such changes in the law with respect thereto as they may deem proper.

PHILIP H. TRAVIS,
THOS. J. CAVANAUGH,
Committee.

(Letter referred to in foregoing report)

June 23, 1908.

Arthur C. Denison, Esq.,
President, Michigan State Bar Association,
Grand Rapids, Michigan.

Dear Sir:

As I do not expect to attend the meeting of the Association to be held this week, and as I haven't before me now the names of the different committees, I wish through you to call the attention of the proper committee to Act. No. 340 of the Public Acts of 1907, entitled: "An act to regulate the practice on appeal in chancery cases;" and I wish to suggest to the committee whether the method of appeal as laid down by that act is not an undesirable and cumbersome one and whether it is not desirable to have that act repealed and relegating the practice in chancery appeals to the statute, as we have had it for quite a number of years.

I see no objection to the provisions of Sec. 2, which requires the claim of appeal to be made within forty days after decree, nor to any of the other provisions of that section. Sec. 3, however, seems to require not only a complete typewritten copy of the stenographer's minutes of the trial to be filed with the clerk and returned with the appeal, but also a "copy of such exhibits and of such portions of the stenographer's minutes" as shall seem to the

party taking the appeal necessary to a correct disposition of the case in the Supreme Court.

Heretofore we have been in the habit for many years of preparing what we call a case for settlement, which contains not necessarily a copy of any portion of the stenographer's minutes, but a statement of the substance of the testimony and evidence as therein reported. This statute, however, requires a copy of the exhibits and also a copy of such portions of the stenographer's minutes as are necessary to a disposition of the case. Construed according to the language of an act, a statement of the substance of the testimony will not answer and could not be considered by the Supreme Court, but it must be a copy, so far as it goes, of the stenographer's minutes.

As to the exhibits, the practice has been, as a general thing, to state the substance of the exhibits, except where it seems necessary to copy it as a whole. A complete copy of all the exhibits seems to me entirely unnecessary, and also entails labor, not only on counsel, but on the court, to wade through long documents, where a few lines of substance would answer every purpose. For example, a deed offered in evidence could be disposed of in a few lines, setting forth the nature of the conveyance, whether warranty, quit claim, or other kind of deed, its date, the parties by whom executed, and a description of the land conveyed, with a statement, if deemed necessary, that it was duly witnessed and acknowledged. In many cases there are a large number of documents of that kind offered in evidence and full copies would add very largely to the volume of the record, whereas a sufficient statement of them to enable the court to fully understand what they are, would occupy but little space.

In many cases that come before the court, it becomes necessary to introduce in evidence leases, and in cases coming from this part of the country mining leases, which are very long, and yet the provisions of the lease that require attention by the court can be stated in a very few words. Now, unless this statute is modified by construction, it requires copies of all these exhibits to be embodied in the record.

The copy of so much of the stenographer's minutes of the testimony as is deemed necessary would, in many cases, and perhaps in most cases, consist of a copy of the entire stenographer's minutes, so far as it related to the particular testimony, as well as copies of all the exhibits. It seems to me, that if there is any object at all in having a complete copy of the testimony, question and answer as it is given, the requirement that the original typewritten copy of the stenographer's minutes shall be filed, answers every purpose and makes a full copy of the extract that is given in the transcript unnecessary.

On the whole, I think the entire act is entirely unnecessary, makes chancery appeals much more cumbersome and laborious for counsel, and much more inconvenient for the court than the practice existing before the passage of that act. If there are any features of this act that are desirable, they can easily be embodied in pre-existing statutes by way of amendment. I suggest a recommendation to the Legislature to repeal the act referred to.

Yours truly,

D. H. BALL.

(Dic. by D. H. B.)

REPORT OF COMMITTEE ON INCORPORATION OF ASSOCIATION.

To the Officers and Members of
The Michigan State Bar Association:
Gentlemen:

Your special committee appointed to investigate the matter of the advisability of incorporating the Michigan State Bar Association, begs leave to report, that, in its opinion, the Association should be incorporated under the laws of this State, and your committee recommends that the incoming President of this Association appoint a special committee of three, with instructions to perfect such incorporation.

MICHAEL BROWN,
F. W. STEVENS,
WM. J. LANDMAN,
Committee on Incorporation of Association.

REPORT OF COMMITTEE ON INCREASE OF MEMBERSHIP.

To the Officers and Members of
The State Bar Association:

Your committee duly appointed to recommend to the State Bar Association desirable methods to increase its membership and enlarge its usefulness, would respectfully report as follows:

First. We recognize the difficulties attending a campaign to increase our membership under present conditions. Your committee believe that the State Bar Association of Michigan must depart from present methods and assert itself as a more powerful force with the bar of this state. The accomplishments of the Association must be of that high order that appeals to the lawyer and creates a desire for membership without solicitation. The mere meeting or coming together has its social advantages, and however attractive and pleasant to a few, cannot of itself hold together a thinking body of men, who are looking for and demanding advantages tending to enlarge and better their field of endeavor. We believe that when this organization shall have made its influence felt in all that pertains to the honor and dignity of the profession and the due administration of justice to this end, that action taken by the Association at its annual meeting may be said to fairly reflect the sentiment of the bar of the State, its roster will be kept filled without individual effort on the part of its officers or members. This committee recommend that the incoming President appoint a committee of attorneys (the number to be determined by him) in each county in the state. That these committees, when so appointed, shall solicit every member of the bar in their respective counties, not now a member of the Association; that the Secretary of this Association give to each of said committees, when so appointed, the names and addresses of present members to assist the committee in their work. That the various committees so appointed report the names of all attorneys in their respective counties

and to further assist in their work, the Secretary of this Association shall prepare suitable blanks for the work. That the blank so prepared shall contain one column for names, one for addresses, and one for remarks, and that the various committees so selected indicate in the column for remarks the objection of the attorney solicited, if any, to affiliating with the Association.

Your committee believe there should be a complete personal canvass of the attorneys of the State, and would further recommend that the President of the Association be given the power, if he shall deem it necessary, to appoint an attorney of his selection to make such canvass within any designated territory (as he sees fit) and beyond the limits of the county of his residence, whose actual expenses shall be borne by the Association.

P. T. COLGROVE,
ADOLPH SLOMAN,
WM. J. LANDMAN.

REPORT OF AUDITING COMMITTEE.

To the Officers and Members of

The Michigan State Bar Association:

Gentlemen:

Your committee appointed to audit the books of the Treasurer and Secretary, beg leave to report that they have performed their duty and find the accounts of said officers correct; that there is a balance on hand, with the Treasurer, of \$371.11.

H. A. LOCKWOOD,
H. C. HOWARD,
ALLEN F. REES,

Committee.

REPORT OF COMMITTEE ON PRACTICE IN PROBATE COURTS.

Your special committee with reference to Probate Practice, beg leave to submit the following report:

This committee was appointed, upon the recommendation of the "Committee on Division and Reference pertaining to the President's Address," at the annual meeting of the Association, held at Kalamazoo in June, 1906. To this committee was referred that part of the address of President William G. Howard relating to practice in the probate courts, which was as follows:

"The Probate Court at the present time is one of the most important, if not the most important, court in this state. In the older settled portions of the state many titles are based upon probate proceedings, and many of these proceedings in any early day were anything but perfect. The statute of limitations, however, cured many of the defects in these titles. The practice in the Probate Court, until within a few years, was hardly worthy of the name of practice. There was no settled practice in any one county, and there was no uniformity of practice in these courts throughout the state. The Supreme Court has adopted some rules that have been very helpful, and the Association of Probate Judges for the state

at their annual meetings has also done much to perfect the uniform practice throughout the state, and especially has this association done much good in adopting uniform blanks. Still, owing to the importance of the court and the character of the litigation before it, much is still desired in that direction, and which cannot be accomplished except, perhaps, through legislation. There should be as complete a system of practice in the Probate Court as there is in the Circuit Court. The Probate Court should be a court and not the advisor and the clerk for executors and administrators. The ordinary executor or administrator relies upon the advice of the Probate Court for most of his transactions. This is entirely proper, but that advice should take the nature and form of an order. As it now is in many of the counties, an executor or administrator will come into the probate office, or meet the Probate Judge on the street, and perhaps the judge is busy in his office or is engaged in other matters when outside of his office, and he does not have the time to thoroughly understand all the facts and come to a correct conclusion thereon. I can see no more reason why a Judge of Probate should be the attorney and clerk for executors and administrators than the Circuit Judge should occupy the same position. He is judge, and he will have his hands full if he attends to that occupation strictly. All petitions and orders made in the Probate Court, except possibly, the petition for the appointment of an administrator and order appointing one, should be carefully drawn, and especially so with any order that may in any way affect the title of real estate. When an order is sought in the Probate Court, the petition should be drawn up in writing and presented to the Judge of Probate, and on looking it over, if he is satisfied that it conforms to the statute, he should fix the day of hearing and order that the statutory notices be served. On the day of hearing, it appearing that proper notices have been given that the matter will come up that day for hearing, he should hear the proofs and contentions of the parties, and after deliberation, enter such order as to him seems proper. If neither party appeals from that order in sixty days, it becomes final. The order will then be of such a nature as to make it reliable.

"Many other matters in this connection will doubtlessly suggest themselves to the members of this Association. I am certain that a radical reform in the practice of this court should be had."

In the consideration of this matter it would seem advisable to refer briefly to the accomplishments and progress made along some of the lines suggested in President Howard's address before offering any suggestions looking toward further progress. The Association of Probate Judges has accomplished much along these lines during the past ten years or more. No doubt the need and opportunity for these accomplishments has been responsible in large measure for the success of that organization. Its meetings have been largely attended and constantly increasing interest has been shown. A volume is just being issued, giving a record of its proceedings during the past eleven years. An examination of the records shows that a large portion of the addresses, reports and papers presented at these meetings, and the discussions thereon, have been devoted to these matters.

Since the first meeting of that association in 1897, the question of uniformity of probate practice has been constantly before them in one form or another. In 1899 a set of rules were prepared and received the approval of the Supreme Court. By these rules the procedure in certain cases regarding which a great diversity of opinion and practice had been exercised has been made uniform. By

frequent conferences and interchange of ideas and discussions of methods the practice has been made uniform in many other ways. Legislation with this end in view has from time to time been secured and a complete system of blanks, uniform throughout the state, has been adopted. The methods of keeping and filing records and papers have also been given attention and uniformity and system in these regards attained. It may therefore be said that the practice and procedure in the probate courts has unquestionably been greatly improved, and is now in fairly satisfactory condition.

That portion of President Howard's address above quoted, which refers to the duties and conduct of the judge of probate and other officers of the court, presents a different and, in some respects, a more difficult problem. The conditions vary in different counties to such an extent that strict uniformity of application in this regard may be difficult to attain.

The provisions of the law in this respect are contradictory and vague and very unsatisfactory. This question has also received the attention of the Probate Judges' Association. At one of the earlier meetings a paper was presented considering, "The Judge of Probate as General Advisor." The provisions of our law were quoted and criticised and comparisons with the laws and customs of the similar courts of other states made. After reference to these the writer of the paper stated:

"From the information thus brought together, we are able to gather these facts and form these conclusions, viz:

"(1) It was formerly the practice and custom, in the earlier history of the several state, for probate officers to act as general advisers to a great extent and to perform the larger share of the work of making all papers, etc., connected with the administration of estates.

"(2) In those states where jurisdiction over probate matters is conferred upon the county or district courts, the business is treated in the same manner as the other work of those courts.

"(3) In a large majority of the other states, where a separate forum has been provided to have probate jurisdiction, the tendency has grown, with the increase of population and in the volume of probate business, to consider probate judges in the same light as other judicial officers, and to divert the business of their courts into the same channels of legal procedure."

After reviewing at some length the laws and customs of the different states and quoting the opinions of several text book writers and many of the judges of this and other states, he concluded:

"To briefly summarize, my position is:

"(1) The judge of probate, or the officers of his court, should draft only formal petitions in matters about which there is no contest, and where the estate is so small or the means of the parties interested so limited that a refusal would work a hardship.

"(2) He should be willing to explain in a general way the methods and purposes of administration, but should not advise parties litigant.

"(3) He should give general directions to the legal representatives of estates as to their duties and powers, and help to facilitate the administration, but should not be expected to assume the solution of intricate questions of policy, nor direct the details of the management of large estates.

"To state more briefly:

"The county pays its judge of probate and the officers of his court to transact promptly and systematically the business of his office, and to judicially determine with perfect fairness and impartiality all matters within his jurisdiction. It does not employ him to act as the general counselor and adviser for that portion of the community interested in those matters brought before him for such judicial determination."

In order that the custom and practice of the officers of the court in this respect may approximate any measure of uniformity, or their duties or obligations accurately defined, it would seem that our laws should be more positive and clear.

We desire to call attention to a somewhat radical change in the practice and procedure which has been suggested. Under the present practice two long trials are frequently required before the case may be brought to the Supreme Court for final decision. After a long trial before the probate court, involving the taking of much testimony and long argument, an appeal is taken to the circuit court, before which the trial is repeated, practically *de novo* in most cases. The appeal may then be taken to the higher court. In most cases the delay and expense of these two trials works a great hardship. If one of these trials could be avoided and a more speedy determination obtained, it would be mutually advantageous both to the parties litigant and their counsel. Two methods have been suggested by which this might be accomplished, viz.:

(1) By provision for summoning a jury before the probate courts, before whom questions of fact may be heard in the first instance, and permitting appeals directly to the Supreme Court;

(2) By provision for certifying certain cases involving issues of fact directly to the circuit court, by order of the probate court, to be tried before the circuit court in the first instance, with right of appeal to the Supreme Court as at present.

The former method would perhaps be the most difficult, involving constitutional amendments. By the latter method the result could probably be more easily accomplished and might in most counties be found more satisfactory.

We submit the suggestion to this Association for careful consideration, believing the reform of the probate practice in this respect to be of most importance and should receive the earliest attention.

Respectfully submitted,
F. D. M. DAVIS,
HARRY D. JEWELL,
Committee.

BANQUET.

DINNER

Tendered to The Michigan State Bar Association, by the Grand Bar Association at the Kent Country Club, June 25th, 1908.

ALBERT CRANE,	-	-	President
REV. F. R. GODOLPHIN,	-	-	Chaplain
McGEORGE BUNDY,	-	-	Toastmaster

MENU

Hors D'Oeuvre	Martini Cocktails
Bouillon	
Bread Sticks	
Lake Trout—Mayonaise	
	Chateau Lafaurie-Peyraquey
Brown Bread Sandwiches	
Timbale of Sweetbreads and Mushrooms	
Broiled Spring Chicken	
	Binet et fils, Brut Elite
New Potatoes	Garden Peas
Salad of Head Lettuce	
Frozen Egg Nogg	Cigarettes
Coffee	Cigars

TOASTS

Propositions for Injunction Legislation before Congress,	
	HON. CHAS. E. TOWNSEND
The Court's Side of it, - - - - -	HON. PETER L. GROSSCUP
Some things done by the United States in the	
Philippines, - - - - -	HON. E. FINLEY JOHNSON
A Word from Detroit, - - - - -	SEWARD L. MERRIAM
Come Again, - - - - -	WILLARD F. KEENEY

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LIST OF DECEASED MEMBERS,
LOCAL BAR ASSOCIATIONS, ETC.**

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B

Backus, Ella M., Government Bldg.	Grand Rapids
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Baker, F. A., 30 Whitney Opera House.	Detroit
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Bancker, Enoch	Jackson
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Beaumont, John W., 1124 Ford Bldg.	Detroit
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Beckwith, L. G.	Bay City
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Bennett, A.	Adrian
Berg, Fred H.	Ishpeming
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Bissell, John H., 80 Griswold St.	Detroit
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Black, E. S.	Marine City
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Blair, Chas. B., Michigan Trust Co. Bldg.	Grand Rapids
Bodman, Henry E., Union Trust Bldg.	Detroit
Boltwood, Lucius, Michigan Trust Co. Bldg.	Grand Rapids
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Bowman, E. J.	Greenville
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Boynton, Herbert E., Union Trust Bldg.	Detroit
Bradfield, Thos. P., Michigan Trust Co. Bldg.	Grand Rapids

Brewster, Jas. H.	Ann Arbor
Briggs, Henry C.	Kalamazoo
Brooks, Walter H., 4th National Bank Bldg.	Grand Rapids
Broomfield, Archibald	Big Rapids
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Brown, J. Earle	St. Johns
Brown, Michael	Big Rapids
Brown, Wm. E.	Lapeer
Browne, Thos. W.	Kalamazoo
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Bunker, Robt. E.	Ann Arbor
Bunting, A. F.	Detroit
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Burritt, W. A.	Hancock
Bush, Matthew	Corunna
Butler, Jefferson, 79 Home Bank Bldg.	Detroit
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Butterfield, Roger C., Michigan Trust Co. Bldg.	Grand Rapids
Butterfield, R. W., Michigan Trust Co. Bldg.	Grand Rapids
Butzel, Henry M., 511 Union Trust Bldg.	Detroit
Byers, I. W.	Iron River

C

Cady, Alvah P.	Benton Harbor
Cahill, Edward	Lansing
Campau, Francis D., Michigan Trust Co. Bldg.	Grand Rapids
Campbell, Arthur D., Penobscot Bldg.	Detroit
Campbell, Chas. H., Union Trust Bldg.	Detroit
Campbell, Colin P., Widdicomb Bldg.	Grand Rapids
Campbell, Henry M., Union Trust Bldg.	Detroit
Campbell, Jas. H., Michigan Trust Co. Bldg.	Grand Rapids
Canfield, F. H., Moffat Bldg.	Detroit
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Carpenter, Wm.	Muskegon
Carton, John J.	Flint
Cassidy, Daniel P., Moffat Bldg.	Detroit
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Cavanaugh, M. J.	Ann Arbor
Cavanaugh, Thos. J.	Paw Paw
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Chamberlain, Robt. M., Moffat Bldg.	Detroit
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Chandler, J. E.	South Haven
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Chase, Henry E.	Lansing
Chase, Russell M.	Paw Paw
Chester, Guy M.	Hillsdale
Clapperton, Geo., Michigan Trust Co. Bldg.	Grand Rapids
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Clark, E. S.	Bay City
Clark, Geo. W.	Bad Axe
Clark, Joseph H., Hammond Bldg.	Detroit
Clark, Levert, Buhl Block	Detroit
Clarke, Wm. R.	Grand Ledge

Clute, Wm. K., Government Bldg.....	Grand Rapids
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Cobb, W. S.....	Jackson
Codd, Geo. P., Hammond Bldg.....	Detroit
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Collins, Chester L.....	Bay City
Collins, L. H., Buhl Block.....	Detroit
Collins, W. A.....	West Bay City
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Cook, H. T.....	South Haven
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Crane, Wm. E.....	Saginaw, W. S.
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Cropey, Jesse R.....	Vicksburg
Crosby, Frank N., Union Trust Bldg.....	Detroit
Cross, Chas. B.....	Muskegon
Culver, Adelbert.....	Albion
Cummins, Alva M.....	Lansing
Cummins, Geo. J.....	Harrison

D

Danaher, M. B.....	Ludington
Davis, E. M.....	Ionis
Davis, F. D. M.....	Ionis
Davis, Geo. W.....	Saginaw
Davis, H. C.....	Traverse City
Davitt, James H.....	Saginaw
Dawson, Wm.....	Sandusky
Day, A. G.....	Newaygo
Deland, Chas. J.....	Jackson
Denby, Edwin, 416 Moffat Bldg.....	Detroit
Denison, Arthur C., Michigan Tust Co. Bldg.....	Grand Rapids
Dennison, Edward J.....	Marshall
Dickinson, Don M., Union Trust Bldg.....	Detroit
Dickinson, J. G., Newberry Bldg.....	Detroit
Diekema, G. J.....	Holland
Dodds, Francis H.....	Mt. Pleasant
Dodds, Peter F.....	Mt. Pleasant
Dodge, Frank L.....	Lansing
Doetsch, Felix A., Hammond Bldg.....	Detroit
Donnelly, James.....	Bay City
Donnelly, John C., Moffat Bldg.....	Detroit
Dooling, John C.....	St. Johns
Doran, Peter, Fourth National Bank Building.....	Grand Rapids
Douglas, Samuel T., Moffat Bulg.....	Detroit
Drury, Horton H., Ottawa Block.....	Grand Rapids
Duffield, Bethune, Union Trust Bldg.....	Detroit
Duffield, Henry M., Union Trust Bldg.....	Detroit
Duffy, James E.....	Bay City
Duffy, John L.....	Ann Arbor

Dunham, M. L., Widdicomb Bldg.....Grand Rapids
 Dunnebacke, Jos. H.....Lansing
 Durand, C. A.....Flint
 Durand, L. T.....Saginaw
 Durfee, Edgar O., Probate Court.....Detroit

E

Earl, Otis A.....Kalamazoo
 Eldredge, A. B.....Marquette
 Ellis, A. A., Michigan Trust Co. Bldg.....Grand Rapids
 Emmons, Harold H., Moffat Bldg.....Detroit
 Engle, Seth E., Whitney Bldg.....Detroit
 Erskine, Byron R.....Mt. Clemens
 Erwin, David D.....Muskegon

F

Farr, George A.....Grand Haven
 Farr, Geo. A., Jr.....Grand Haven
 Fellows, Grant.....Hudson
 Finnegan, J. T.....Hancock
 Finney, J. W., Peninsular Bank Bldg.....Detroit
 Fitzpatrick, W. G., Whitney Bldg.....Detroit
 Flannigan, R. C.....Norway
 Flowers, Charles, Hammond Bldg.....Detroit
 Foster, Chas. W.....Lansing
 Foster, Walter S.....Lansing
 Fowler, Frank L., 1412 Hartford Bldg.....Chicago
 Fowler, George B., Hammond Bldg.....Detroit
 Fox, Wm. D., 66 Home Bank Bldg.....Detroit
 Free, A. L.....Paw Paw
 Freeman, A. F.....Ann Arbor
 Freeman, F. M.....Manchester
 Freeman, Henry B.....Munising
 Fyfe, L. C.....St. Joseph

G

Gaffney, F. O.....Cadillac
 Gage, Chauncey H.....Saginaw
 Gage, Wm. G.....Saginaw
 Galbraith, Wm. J.....Calumet
 Gardner, Henry M.....Lansing
 Gardner, L. B.....Lansing
 Gates, Jasper C., McGraw Bldg.....Detroit
 Gillett, H. M.....Bay City
 Gillett, W. J., Houseman Bldg.....Grand Rapids
 Gleason, Clark H., Powers' Opera House Bldg.....Grand Rapids
 Goff, John H., Union Trust Bldg.....Detroit
 Golden, C. A.....Monroe
 Goodspeed, R. C., Michigan Trust Co. Bldg.....Grand Rapids
 Gordon, Wm. D.....Midland
 Gore, Victor M.....Benton Harbor
 Goss, Dwight, Houseman Bldg.....Grand Rapids
 Grant, C. B.....Lansing
 Graves, Frank P.....St. Joseph
 Graves, Henry B., Hammond Bldg.....Detroit
 Gray, Robt. T., Ford Bldg.....Detroit
 Gray, Wm. J., Ford Bldg.....Detroit
 Griswold, N. O.....Greenville
 Groesbeck, A. J., 602 Majestic Bldg.....Detroit
 Guise, Frank P., Moffat Bldg.....Detroit

H

Haire, Norman W.....	Houghton
Hall, A. B., 716 Hammond Bldg.....	Detroit
Hall, DeVere	Bay City
Hall, James H.	Port Austin
Hamblen, Jos. G., Jr., 904 Union Trust Bldg.....	Detroit
Hamilton, Burritt, Hofmaster Bldg.....	Battle Creek
Handy, S. T.	Sault Ste. Marie
Hanson, Winfield S.....	Hart
Harrington, Leon W., Michigan Trust Co. Bldg.....	Grand Rapids
Harvey, G. Wm.....	Pentwater
Hatch, Reuben, Widdicomb Bldg.....	Grand Rapids
Hatch, W. B.	Ypsilanti
Hawkins, Victor	Jonesville
Hayden, Chas. Howe.....	Lansing
Heald, Henry T., Board of Trade Bldg.....	Grand Rapids
Heineman, D. E., Moffat Bldg.....	Detroit
Helfman, Harry, Moffat Bldg.....	Detroit
Hemans, Lawton T.....	Mason
Hendee, J. B.	Eaton Rapids
Hendryx, Coy W.....	Dowagiac
Hess, Frank A., Police Court.....	Grand Rapids
Hewitt, Adolphus E.....	Jackson
Hewitt, John C.....	Bay City
Hext, Chas. F., Fourth National Bank Bldg.....	Grand Rapids
Hicks, Wm. C.	Benton Harbor
Higbee, Clark E., Houseman Bldg.....	Grand Rapids
Hindman, A. C., Michigan Trust Co. Bldg.....	Grand Rapids
Hitchcock, Chas. W.....	Bay City
Hixson, Virgil I.....	Manistique
Hoffman, Henry	St. Ignace
Holden, L. C.	Sault Ste. Marie
Holmes, Clyde J., Houseman Bldg.....	Grand Rapids
Holmes, Glenn W., Houseman Bldg.....	Grand Rapids
Hood, Oscar J.....	Lansing
Hooker, Frank A.....	Lansing
Hooker, Harry E.....	Lansing
Hopkins, Chas C.....	Lansing
Hosmer, Geo. S., Wayne County Bldg.....	Detroit
Hovey, Cyrus A.....	Port Huron
Howard, Harry C.....	Kalamazoo
Hoyt, Hobart B., Union Trust Co.....	Detroit
Hoyt, H. J.....	Muskegon
Hoyt, Wm. E.....	Muskegon
Humphrey, Charles M.....	Ironwood
Humphrey, Leonard T.....	Coldwater
Humphrey, Watts S.....	Saginaw
Hunt, Harry E., Ford Bldg.....	Detroit
Hutchins, Harry B.....	Ann Arbor
Hyde, Wesley W., Michigan Trust Co. Bldg.....	Grand Rapids

I

Irish, E. M.....	Kalamazoo
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J

James, Delbert C., Chamber of Commerce.....	Detroit
January, W. L., Buhl Bldg.....	Detroit
Jenkins, Frank E.....	Oxford
Jenks, W. L.....	Port Huron

Jenney, Wm. S.	Mt. Clemens
Jewell, Harry D.	Grand Rapids
Jewett, Henry R.	Adrian
Johnston, A. W., Houseman Bldg.	Grand Rapids
Jones, Arthur, Hammond Bldg.	Detroit
Jones, Frank E.	Ann Arbor
Jones, John	Ontonagon
Jones, Walter C.	Marcellus
Joslin, Theo. M.	Adrian
Joslyn, C. D., Ford Bldg.	Detroit
Joslyn, Lee E.	Bay City

K

Keena, James T., Penobscot Bldg.	Detroit
Keeney, Willard F., Michigan Trust Co. Bldg.	Grand Rapids
Kellie, Ronald, Hammond Bldg.	Detroit
Ketcham, Clyde W.	Dowagiac
Kilbourne, S. L.	Lansing
Kilpatrick, Wm.	Owosso
King, Robt. L.	Bay City
Kingsley, Willard, Houseman Bldg.	Grand Rapids
Kinnane, J. E.	Bay City
Kinnane, Jas. H.	Dowagiac
Kinne, E. D.	Ann Arbor
Kinney, W. L.	Marion
Kinsman, Geo. O.	Oxford
Kirkby, Elmer	Jackson
Kleinhans, Jacob, Michigan Trust Co. Bldg.	Grand Rapids
Knappen, F. E.	Kalamazoo
Knappen, Loyal E., Government Bldg.	Grand Rapids
Knappen, Stuart E., Michigan Trust Co. Bldg.	Grand Rapids
Knight, Seth W.	Mt. Clemens
Knowles, R. D.	Jackson

L

Lacy, A. J.	Clare
Ladd, S. W.	Port Huron
Lane, Victor H.	Ann Arbor
Lane, Wm. P., 80 Griswold St.	Detroit
Landman, Wm. J., Houseman Bldg.	Grand Rapids
Landon, Geo. M.	Monroe
Langley, Jas. P., Majestic Bldg.	Detroit
Larwill, Harry L.	Adrian
Law, Eugene F.	Port Huron
Lawton, Eugene W.	Lawton
Lee, Ed. S.	Flint
Lewis, Lynn J.	Bangor
Lewis, Milo	Greenville
Lightner, Clarence A., Penobscot Bldg.	Detroit
Lockwood, H. A.	Monroe
Lombard, James A., Fourth National Bank Bldg.	Grand Rapids
Loranger, U. R.	Bay City
Loud, Edw. R.	Albion
Love, Charles E., Moffat Bldg.	Detroit
Lovelace, Geo. S.	Muskegon
Lucking, Alfred, Moffat Bldg.	Detroit
Luton, Geo.	Newaygo
Lyon, Edwin H.	St. Johns

Mc

McAllister, J. T., Wonderly Bldg.....	Grand Rapids
McAlvay, A. V.....	Lansing
McBride, Charles H.....	Holland
McCall, A.....	Ithaca
McCall, R.....	Ithaca
McCarthy, John J.....	Standish
McClellan, John.....	Lansing
McCorkle, Wm. F., Ford Bldg.....	Detroit
McCurdy, John T.....	Corunna
McDonald, Chas. S., Hammond Bldg.....	Detroit
McDonald, Jas. H., Moffat Bldg.....	Detroit
McDonald, J. S., Court House.....	Grand Rapids
McDonald, M. F.....	Sault Ste. Marie
McGregor, Malcolm, Home Bank Bldg.....	Detroit
McGurrin, Chas. H.....	Kalamazoo
McHugh, Phillip A., Majestic Bldg.....	Detroit
McIntyre, D. E.....	Cadillac
McKay, John A.....	Saginaw
McKnight, Wm. F., Wonderly Bldg.....	Grand Rapids
McPherson, Charles, P. M. R. R. Co.....	Detroit

M

MacDonald, R. J.....	Muskegon
MacDonald, Wm. J.....	Calumet
MacKay, John D., Home Bank Bldg.....	Detroit
Maguire, Arthur D., Hammond Bldg.....	Detroit
Maher, Edgar A., Aldrich Bldg.....	Grand Rapids
Manchester, Wm. C., Buhl Block.....	Detroit
Mapes, Carl E., Michigan Trust Co. Bldg.....	Grand Rapids
Marsh, E. J.....	Big Rapids
Marsh, Pliny W., Chamber of Commerce.....	Detroit
Mason, W. L.....	L'Anse
Master, Sheridan F., Government Bldg.....	Grand Rapids
Maubury, Wm. C., Moffat Bldg.....	Detroit
Maynard, Fred A.....	Helena, Mont.
Maynard, Horace S.....	Charlotte
Merriam, S. L., Union Trust Bldg.....	Detroit
Mead, F. D.....	Escanaba
Merrick, Benj. P., Michigan Trust Co. Bldg.....	Grand Rapids
Miller, A. E.....	Marquette
Miller, Frederick C.....	Mt. Clemens
Miller, Sidney T., Penobscot Bldg.....	Detroit
Mills, Wade, Union Trust Bldg.....	Detroit
Mills, A. J.....	Kalamazoo
Miner, John W.....	Jackson
Monaghan, Geo. F., Majestic Bldg.....	Detroit
Monroe, S. B.....	Kalamazoo
Montgomery, R. M.....	Lansing
Montgomery, Stanley D., Board of Trade.....	Grand Rapids
Moore, Geo. G.....	Port Huron
Moore, Geo. W., Campau Bldg.....	Detroit
Moore, Jos. B.....	Lansing
Moore, Wm. V., Wayne County Savings Bank Bldg.....	Detroit
More, John E., Michigan Trust Co. Bldg.....	Grand Rapids
Morrissey, Francis M.....	Harrison
Morse, A. B.....	Tonla
Moulton, Luther V., Houseman Bldg.....	Grand Rapids
Mulford, Benj. G., Buhl Block.....	Detroit
Murfin, J. O., Moffat Bldg.....	Detroit

N

Naegley, Henry E.....Saginaw
 Nichols, Chas. W.....Lansing
 Nichols, Geo. E.....Ionia
 Nichols, Jason E.....Lansing
 Nichols, M. A., Wonderly Bldg.....Grand Rapids
 Nims, F. A.....Muskegon
 Norris, Mark, Michigan Trust Co. Bldg.....Grand Rapids
 North, Walter H.....Battle Creek
 Northrup, LeRoy.....Jackson

O

O'Brien, P. H.....Laurium
 O'Brien, Thos. J., Michigan Trust Co. Bldg.....Grand Rapids
 O'Brien, M. Hubert, care U. S. Court for China.....Shanghai, China
 O'Connor, Jos. J.....L'Anse
 O'Keefe, John F.....Saginaw
 Opsahl, John M.....Menominee
 Oren, H. M.....Sault Ste. Marie
 Osborn, J. W.....Kalamazoo
 Ostrander, Russell C.....Lansing
 Ott, Louis, Buhl Block.....Detroit
 Oxtoby, Jas. V., McGraw Bldg.....Detroit

P

Paddock, Lewis H., Penobscot Bldg.....Detroit
 Paine, DeForest, Penobscot Bldg.....Detroit
 Palmer, L. C.....Stanton
 Palmer, L. G.....Blg Rapids
 Parker, Jas. S.....Flint
 Parker, R. A., 12 Hodges Bldg.....Detroit
 Parkinson, J. A.....Jackson
 Patterson, John C.....Marshall
 Patterson, John H.....Pontiac
 Pealer, Russell R.....Three Rivers
 Pendleton, E. W., Penobscot Bldg.....Detroit
 Perkins, Cyrus E., Michigan Trust Co. Bldg.....Grand Rapids
 Perkins, Willis B., Court House.....Grand Rapids
 Perry, C. W.....Clare
 Perry, Milton M.....Lowell
 Person, Rollin H.....Lansing
 Person, Seymour H.....Lansing
 Peters, M. B.....Mammoth Springs, Ark.
 Phelan, John.....Ludington
 Phelps, Earl F.....Stanton
 Phelps, Ralph, Jr., 82 Griswold St.....Detroit
 Post, Floyd L.....Midland
 Porter, Wm. H.....Marshall
 Potter, Wm. W.....Hastings
 Powers, James M.....Battle Creek
 Pratt, E. S.....Traverse City
 Pratt, Frank S.....Bay City
 Pratt, Fred H.....Traverse City
 Prentis, Geo. H., Buhl Block.....Detroit
 Price, Richard.....Jackson
 Priddy, F. E.....Adrian
 Pringle, Eugene.....Jackson
 Pryor, Lee H.....Hastings
 Purcell, Miles J.....Saginaw

Q

Quinn, Frank Q.....	Saginaw
Quinn, John	Harrison
Quinn, T. C.....	Caro

R

Reasoner, Jas. M.....	Lansing
Rarden, C. L.....	Greenville
Rees, Allen F.....	Houghton
Reilly, C. J., Penobscot Bldg.....	Detroit
Rexford, D. C., Buhl Block	Detroit
Robbins, John W., 715 18th St.....	Detroit
Roberts, Clinton	Flint
Robinson, Deen L.....	Houghton
Robson, Frank E., 720 Hammond Bldg.....	Detroit
Rockwell, K. P.....	Pontiac
Rosenberg, Louis J.....	Seville, Spain
Ross, John Q.....	Muskegon
Russell, Chas. T.....	Mt. Pleasant
Russell, Henry, care M. C. R. R. Station.....	Detroit

S

Sagendorph, D. P.....	Jackson
Salliotte, Ignatius J., Moffat Bldg.....	Detroit
Savery, Wirt J., Majestic Bldg.....	Detroit
Savidge, B. N.....	Reed City
Sawyer, Alvah L.....	Menominee
Sawyer, E. F.....	Cadillac
Scheibner, Charles G., Hammond Bldg.....	Detroit
Searle, K. S.....	Ithaca
Selling, B. B., Hammond Bldg.....	Detroit
Sessions, C. W.....	Muskegon
Sharpe, Albert E.....	Sault Ste. Marie
Sharpe, Nelson	West Branch
Shaw, John C., Union Trust Bldg.....	Detroit
Sheldon, R. S.....	Houghton
Shepard, T. F.....	Bay City
Shipman, John B.....	Coldwater
Shipman, F. C., Union Trust Bldg.....	Detroit
Shuster, Anson E.....	Ontonagon
Silsbee, Harry A.....	Lansing
Sloman, Adolph, Penobscot Bldg.....	Detroit
Sloman, Edmund, Penobscot Bldg.....	Detroit
Smedley, Chas. O., Houseman Bldg.....	Grand Rapids
Smith, Chas. H.....	Manila, P. I.
Smith, Clement	Hastings
Smith, Ernest C.....	Kalkaska
Smith, Hal H., Hammond Bldg.....	Detroit
Smith, Henry C.....	Adrian
Smith, James Cosslett, 1130 Penobscot Bldg.....	Detroit
Smith, J. M. C.....	Charlotte
Smith, R. W.....	Manistee
Smith, Wallis Craig.....	Saginaw
Smith, Wm. Alden, Wm. Alden Smith Bldg.....	Grand Rapids
Smith, Wm. M.....	St. Johns
Snyder, Emil W., Majestic Bldg.....	Detroit
Speed, John J., Moffat Bldg.....	Detroit
Spier, S. B.....	Mt. Clemens
Sprague, Wm. C., Majestic Bldg.....	Detroit

Stace, Francis A., Michigan Trust Co. Bldg.....	Grand Rapids
Standart, Joseph G., Wayne County Savings Bank Bldg.....	Detroit
St. Clair, John C.....	St. Joseph
Stearns, A. M.....	Kalamazoo
Steere, J. H.....	Sault Ste. Marie
Stein, Christopher, Justice Court.....	Detroit
Stellwagen, A. C., Home Bank Bldg.....	Detroit
Sterling, John J.....	Benton Harbor
Stevens, Fred'k W., Union Trust Bldg.....	Detroit
Stewart, H. P.....	Kalamazoo
Stewart, N. H.....	Battle Creek
Stewartt, Louis E.....	Battle Creek
Stoddard, E. J., 12 Hodges Bldg.....	Detroit
Stone, John W.....	Marquette
Stone, Ralph, Detroit Trust Co.....	Detroit
Stone, W. S.....	Richmond
Storm, Carl T.....	Ann Arbor
Stratton, Chas. W.....	St. Joseph
Streeter, A. T.....	Houghton
Stuart, Wm. J., City Hall.....	Grand Rapids
Sullivan, Frank P.....	Sault Ste. Marie
Sullivan, Jas. E.....	Muskegon
Swan, James, McGraw Bldg.....	Detroit
Swarthout, Elvin, 633 Michigan Trust Co. Bldg.....	Grand Rapids
Sweet, Chas. E.....	Dowagiac

T

Tabor, L. A.....	Lawton
Taggart, Edward, Michigan Trust Co. Bldg.....	Grand Rapids
Taggart, Ganson, Michigan Trust Co. Bldg.....	Grand Rapids
Tarsney, T. E., Whitney Bldg.....	Detroit
Taylor, Orla B., 13 Butler Bldg.....	Detroit
Taylor, Walter R.....	Kalamazoo
Tennant, John S.....	Edmore
Thayer, Russell B., Eddy Bldg.....	Saginaw
Thomas, Harris E.....	Lansing
Thompson, B. M.....	Ann Arbor
Thompson, Dell H.....	Bay City
Thorington, C. C.....	Romeo
Thornton, H. A., Michigan Trust Co. Bldg.....	Grand Rapids
Titus, Lincoln H.....	Paw Paw
Townsend, Chas. E.....	Jackson
Travis, Phillip H., Michigan Trust Co. Bldg.....	Grand Rapids
Trudell, F. J.....	Menominee
Tucker, J. G.....	Mt. Clemens
Tucker, W. S.....	Big Rapids
Turner, James, Union Trust Bldg.....	Detroit
Turner, Jerome E.....	Muskegon
Turner, Willard J.....	Muskegon
Tuttle, Arthur J.....	Leslie

U

Underwood, M. W.....	Traverse City
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V

Van De Mark, S. O., Moffat Bldg.....	Detroit
Vanderwerp, John.....	Muskegon
Van Riper, C. M.....	Hartford
Van Riper, Jacob J.....	Niles
Van Zile, Philip T., Hammond Bldg.....	Detroit

W

Walbridge, H. E.	St. Johns
Walsh, Jos.	Port Huron
Walker, Myron H., Michigan Trust Co. Bldg.	Grand Rapids
Walters, Henry C., Chamber of Commerce Bldg.	Detroit
Ward, M. Thomas, Wonderly Bldg.	Grand Rapids
Warner, David A., Michigan Trust Co. Bldg.	Grand Rapids
Warner, Frank R.	Sault Ste. Marie
Warner, Glenn E.	Paw Paw
Warner, Wm. W.	Allegan
Warren, Benj. S., Union Trust Co. Bldg.	Detroit
Warren, Chas. B., Union Trust Bldg.	Detroit
Watkins, Roy M., Probate Court.	Grand Rapids
Watson, Chas. H.	Crystal Falls
Wattles, I. N.	Kalamazoo
Weadock, John C., 7 Wall St.	New York
Weadock, Thos. A. E., Hammond Bldg.	Detroit
Webster, Clyde I., Majestic Bldg.	Detroit
Webster, Elmer R.	Pontiac
Weeks, M. D.	Albion
Welmer, George V.	Kalamazoo
Wessellius, Sybrant	Grand Rapids
Westerman, W. S.	Jackson
Welsh, Chas. F., Moffat Bldg.	Detroit
Weston, Frank S.	Kalamazoo
Wetherbee, Wm. H., Penobscot Bldg.	Detroit
Wetmore, Fred C.	Cadillac
Wheeler, Isaac C.	Manton
Wicks, Kirk E., Houseman Bldg.	Grand Rapids
Wiest, Howard	Lansing
Wicksall, Guy J.	South Haven
Wiley, Merlin	Sault Ste. Marie
Wilkins, Chas. T., Hammond Bldg.	Detroit
Williams, A. B.	Battle Creek
Williams, W. B.	Lapeer
Wilson, Chas. L.	Saranac
Wilson, Chas. M., Michigan Trust Co. Bldg.	Grand Rapids
Wilson, F. W.	Muskegon
Wilson, Hugh E., Michigan Trust Co. Bldg.	Grand Rapids
Wilson, Thomas A., Union Bank Bldg.	Jackson
Wixson, Walter S.	Caro
Wolcott, Frank T.	Port Huron
Wolcott, L. W., Michigan Trust Co. Bldg.	Grand Rapids
Wolf, Gustave A., Michigan Trust Co. Bldg.	Grand Rapids
Wolfe, Louis H., Hammond Bldg.	Detroit
Wood, Clark C.	Lansing
Woodruff, Chas. M., 272 E. Grand Boulevard	Detroit
Worch, Rudolph	Jackson
Wright, C. A.	Hancock
Wunsch, Henry, Moffat Bldg.	Detroit
Wykes, Roger I., Michigan Trust Co. Bldg.	Grand Rapids

Y

Yerkès, Geo. B., Home Bank Bldg.	Detroit
Youdan, J. Claude	Howard City
Young, H. O.	Ishpeming

Z

Zimmer, John J.	Lansing
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MEMBERS BY CITIES.

ADRIAN

(Lenawee County)

Alexander, W. B.
Baldwin, Clark E.
Bennett, A.
Bird, Jno. E.
Jewett, Henry R.
Joslin, Theo. M.
Larwill, Harry L.
Priddy, F. E.
Smith, Henry C.

ALBION

(Calhoun County)

Culver, Adelbert
Loud, Edward R.
Weeks, M. D.

ALLEGAN

(Allegan County)

Warner, Wm. W.

ANN ARBOR

(Washtenaw County)

Brewster, Jas. H.
Bunker, R. E.
Cavanaugh, M. J.
Duffy, Jno. L.
Freeman, A. F.
Hutchins, Harry B.
Jones, Frank E.
Kinne, E. D.
Lane, Victor H.
Storm, Carl T.
Thompson, B. M.

BAD AXE

(Huron County)

Bope, Wm. T.
Clark, Geo. W.

BANGOR

(Van Buren County)

Lewis, Lynn J.

BATTLE CREEK

(Calhoun County)

Arthur, Jesse
Beck, Ira A.

Hamilton, Burritt

North, Walter H.
Powers, James M.
Stewart, H. P.
Stewartt, Louis E.
Williams, Arthur B.

BAY CITY

(Bay County)

Anneke, Edward E.
Beckwith, L. G.
Clark, E. S.
Cobb, Geo. P.
Collins, Chester L.
Cooley, Edgar A.
Donnelly, Jas.
Duffy, Jas. E.
Gillett, H. M.
Hall, DeVere
Hewitt, Jno. C.
Hitchcock, Chas. W.
Joslyn, Lee E.
King, Robt. L.
Kinnane, J. E.
Loranger, U. R.
Pratt, Frank S.
Shepard, T. F.
Thompson, Dell H.

BAY CITY, W.

(Bay County)

Collins, W. A.

BENTON HARBOR

(Berrien County)

Cady, Alvah P.
Gore, Victor, M.
Hicks, Wm. C.
Sterling, John J.

BIG RAPIDS

((Mecosta County)

Broomfield, Archibald
Brown, Michael
Marsh, E. J.
Palmer, L. G.
Tucker, W. S.

BUCHANAN

(Berrien County)

CADILLAC
(Wexford County)

Gaffney, F. O.
McIntyre, D. E.
Sawyer, E. T.
Wetmore, Fred C.

CALUMET
(Houghton County)

Galbraith, Wm. J.
MacDonald, Wm. J.

CARO
(Tuscola County)

Quinn, T. C.
Wixon, Walter S.

CHARLOTTE
(Eaton County)

Maynard, Horace S.
Smith, J. M. C.

CLARE
(Clare County)

Lacy, A. J.
Perry, C. W.

COLDWATER
(Branch County)

Champion, Chas. U.
Humphrey, Leonard T.
Shipman, Jno. B.

CORUNNA
(Shiawassee County)

Bush, Matthew
McCurdy, Jno. T.

CRYSTAL FALLS
(Iron County)

Abbott, Fred H.
Watson, Chas. H.

DETROIT
(Wayne County)

Anderson, Jno. W., 68 Moffat Bldg.
Angell, Alexis C. Union Trust Bldg.
Antisdel, Jno. P., 60 Buhl Bldg.
Baker, F. A., 30 Whitney Opera
House Bldg.
Barbour, Levi L., 29 Buhl Bldg.
Bartlett, Chas. L., 611 Hammond
Bldg.
Bates, Geo. W., 32 Buhl Bldg.
Beaumont, Jno. W., 1124 Ford Bldg.
Bigelow, Nelson C., 8 Buhl Bldg.

Bissell, Jno. H., 80 Griswold St.
Bodman, Henry E., Union Trust
Bldg.
Bowen, Herbert, Moffat Bldg.
Boynton, Herbert E., Union Trust
Bldg.
Brown, Bayard T., 60 Buhl Bldg.
Bulkley, Harry C., Union Trust
Bldg.
Bunting, A. F.
Butler, Jefferson, 79 Home Bank
Bldg.
Butterfield, O. E., care M. C. R.
R. Co.
Butzel, Henry M., 511 Union Trust
Bldg.
Campbell, Arthur D., Penobscot
Bldg.
Campbell, Chas. H., Union Trust
Bldg.
Campbell, Henry M., 694 Union
Trust Bldg.
Canfield, F. H., Moffat Bldg.
Cassidy, Dan'l P., Moffat Bldg.
Chamberlain, Robt. M., Moffat Bldg.
Clark Joseph H., Hammond Bldg.
Clark, Levert, Buhl Bldg.
Codd, Geo. P., Hammond Bldg.
Collins, L. H., Buhl Bldg.
Covert, Arthur H., Detroit Opera
House Bldg.
Cowles, Israel T., Union Trust Bldg.
Crosby, Frank N., Union Trust Bldg.
Denby, Edwin, Moffat Bldg.
Dickinson, Don M., Union Trust
Bldg.
Dickinson, J. G., Newberry Bldg.
Doetsch, Felix A., Hammond Bldg.
Donnelly, Jno. C., Moffat Bldg.
Douglas, S. T., Moffat Bldg.
Duffield, Bethune, Union Trust Bldg.
Duffield, Henry M., Union Trust
Bldg.
Durfee, Edgar O., Probate Court.
Emmons, Harold H., Moffat Bldg.
Engle, Seth E., Whitney Bldg.
Finney, J. W., Peninsular Bank
Bldg.
Fitzpatrick, W. G., Whitney Bldg.
Flowers, Chas., Hammond Bldg.
Fowler, Geo. B., 715 Hammond
Bldg.
Fox, Wm. D., Home Bank Bldg.
Gates, Jasper C., McGraw Bldg.
Goff, John H., Union Trust Bldg.
Graves, Henry B., Hammond Bldg.
Gray, Robt. T., Ford Bldg.
Gray, Wm. J., Ford Bldg.
Groesbeck, A. J., Majestic Bldg.

- Guise, Frank P., 426 Moffat Bldg.
Hall, A. B., Hammond Bldg.
Hamblen, Jos. G., Jr., Union Trust Bldg.
Heinemen, D. E., Moffat Bldg.
Helfman, Harry, Moffat Bldg.
Hosmer, Geo. S., Wayne Co. Bldg.
Hoyt, Hobart B., care Union Trust Bldg.
Hunt, Harry E., Ford Bldg.
James, Delbert C., Chamber of Commerce.
January, Wm. L., Buhl Bk.
Jones, Arthur, Hammond Bldg.
Joslyn, Chas. D., Ford Bldg.
Kellie, Ronald, Hammond Bldg.
Keena, Jas. T., Penobscot Bldg.
Lane, Wm. P., 80 Griswold St.
Langley, Jas. P., Majestic Bldg.
Lightner, Clarence A., Penobscot Bldg.
Love, Chas. E., Moffat Bldg.
Lucking, Alfred, Moffat Bldg.
McCorkle, Wm. F., Ford Bldg.
McDonald, Chas. S., Hammond Bldg.
McDonald, Jas. H., Moffat Bldg.
McGregor, Malcolm, Home Bank Bldg.
McHugh, Phillip A., Majestic Bldg.
McPherson, Chas. Fort St. Depot.
Mackay, Jno. D., Home Bank Bldg.
Maguire, Arthur D., Hammond Bldg.
Manchester, Wm. C., Buhl Block.
Marsh, Pliny W., Chamber of Commerce.
Maybury, Wm. C., Moffat Bldg.
Merriam, S. L., Union Trust Bldg.
Miller, Sidney T., Penobscot Bldg.
Millis, Wade, Union Trust Bldg.
Monaghan, George F., Majestic Bldg.
Moore, Geo. W., Campau Bldg.
Moore, Wm. V., Wayne Co. Savings Bank Bldg.
Mulford, Benj. F., Buhl Bk.
Murfyn, J. O., Moffat Bldg.
Ott, Louis, Buhl Bk.
Oxtoby, Jas. V., McGraw Bldg.
Paddock, L. H., Penobscot Bldg.
Palne, DeForest, Penobscot Bldg.
Parker, R. A., 12 Hodges Bldg.
Pendleton, E. W., Penobscot Bldg.
Phelps, Ralph, Jr., 82 Griswold St.
Prentiss, Geo. H., Buhl Bk.
Reilly, C. J., Penobscot Bldg.
Rexford, D. C., Buhl Bk.
Robbins, John W., 715 18th St.
Robson, Frank E., Hammond Bldg.
Russell, Henry, care M. C. R. R. Depot.
Salliotte, Ignatius J., Moffat Bldg.
Savery, Wirt I., Majestic Bldg.
Selling, B. B., Hammond Bldg.
Shaw, Jno. C., Union Trust Bldg.
Schneiber, Charles G., Hammond Bldg.
Shipman, F. C., Union Trust Bldg.
Sloman, Adolph, Penobscot Bldg.
Sloman, Edmund, Penobscot Bldg.
Smith, Hal H., Hammond Bldg.
Smith, Jas. Coslett, Penobscot Bldg.
Snyder, Emil W., Majestic Bldg.
Speed, Jno. J., Moffat Bldg.
Sprague, Wm. C., Majestic Bldg.
Standart, Joseph G., Wayne County Savings Bank Bldg.
Stein, Christopher, Justice Court.
Stellwagen, A. C., Home Bank Bldg.
Stevens, Fred'k W., Union Trust Bldg.
Stoddard, E. J., 12 Hodges Bldg.
Stone, Ralph, care Detroit Trust Co.
Swan, Jas., McGraw Bldg.
Tarsney, T. E., Whitney Bldg.
Taylor, Orla B., 13 Butler Bldg.
Turner, James, Union Trust Bldg.
Van De Mark, S. O., Moffat Bldg.
Van Zile, Philip T., Hammond Bldg.
Walters, Henry C., Chamber of Commerce.
Warren, Benj. S., Union Trust Bldg.
Warren, Chas. B., Union Trust Bldg.
Wendock, Thos. A. E., Hammond Bldg.
Webster, Clyde I., Majestic Bldg.
Welsh, Chas. F., Moffat Bldg.
Wetherbee, Wm. H., Penobscot Bldg.
Wilkins, Chas. T., Hammond Bldg.
Wolfe, Louis H., Hammond Bldg.
Woodruff, Chas. M., 272 E. Grand Boulevard.
Wunsch, Henry, Moffat Bldg.
Yerkes, Geo. B., Home Bank Bldg.

DOWAGIAC

(Cass County)

- Hendryx, Coy W.
Ketcham, C. W.
Kinnane, James H.
Sweet, Chas. E.

EATON RAPIDS
(Eaton County)

Hendee, J. B.

EDMORE
(Montcalm County)

Tennant, John S.

ESCANABA
(Delta County)

Mead, F. D.

EVART
(Osceola County)

FLINT
(Genesee County)

Aitken, D. D.
Carton, Jno. J.
Cook, Geo. W.
Durand, C. A.
Lee, Ed. S.
Parker, Jas. S.
Roberts, Clinton

GAYLORD
(Otsego County)

GRAND HAVEN
(Ottawa County)

Farr, Geo. A.
Farr, Geo. A., Jr.

GRAND LEDGE
(Eaton County)

Alexander, Cassius
Clarke, Wm. R.

GRAND RAPIDS
(Kent County)

Backus, Ella M., Govt. Bldg.
Barnett, Jas. F., Mich. Trust Co. Bldg.
Blair, Chas. B., Mich. Trust Co. Bldg.
Boltwood, Lucius, Mich. Trust Co. Bldg.
Bradfield, Thos. P., Mich. Trust Co. Bldg.
Brooks, Walter H., 4th Nat. Bank Bldg.
Bundy, McGeorge, Mich. Trust Co. Bldg.
Butterfield, Roger C., Mich. Trust Co. Bldg.
Butterfield, Roger W., Mich. Trust Co. Bldg.

Campau, Francis D., Mich. Trust Co. Bldg.

Campbell, Colin P., Widdicomb Bldg.
Campbell, Jas. H., Mich. Trust Co. Bldg.

Carmody, Martin H., 325-8 Houseman Bldg.

Clapperton, Geo., Mich. Trust Co. Bldg.

Clute, Wm. K., Govt. Bldg.

Corwin, Benn. M., Houseman Bldg.

Crane, Albert, Mich. Trust Co. Bldg.

Creswell, Harry L., Houseman Bldg.

Denison, Arthur C., Mich. Trust Co. Bldg.

Doran, Peter, 4th Nat. Bk. Bldg.

Drury, Horton H., Ottawa Bldg.

Dunham, M. L., Widdicomb Bldg.

Ellis, A. A., Mich. Trust Co. Bldg.

Gillett, W. J., Houseman Bldg.

Gleason, Clark H., Powers Opera House Bldg.

Goodspeed, Richard C., Mich. Trust Co. Bldg.

Goss, Dwight, Houseman Bldg.

Harrington, Leon W., Mich. Trust Co. Bldg.

Hatch, Reuben, Widdicomb Bldg.

Heald, Henry T., Bd. of Trade Bldg.

Hess, Frank A., Police Court.

Hext, Chas. F., 4th Nat. Bank Bldg.

Higbee, Clark E., Houseman Bldg.

Hindman, A. C., Mich. Trust Co. Bldg.

Holmes, Clyde J., Houseman Bldg.

Holmes, Glenn W., Houseman Bldg.

Hyde, Wesley W., Mich. Trust Co. Bldg.

Jewell, Harry D., Court House.

Johnston, Andrew W., Houseman Bldg.

Keeney, Willard F., Mich. Trust Co. Bldg.

Kingsley, Willard, Houseman Bldg.

Kleinhans, Jacob, Mich. Trust Co. Bldg.

Knappen, Loyal E., Govt. Bldg.

Knappen, Stuart E., Mich. Trust Co. Bldg.

Landman, Wm. J., Houseman Bldg.

Lombard, Jas. A., 4th Nat. Bk. Bldg.

McAllister, Jas. T., Wonderly Bldg.

McDonald, John S., Court House.

McKnight, Wm. F., Wonderly Bldg.

Maher, Edgar A., Aldrich Bldg.

Mapes, Carl E., Mich. Trust Co. Bldg.

Master, Sheridan F., Govt. Bldg.

Merrick, Benj. P., Mich. Trust Co. Bldg.

Montgomery, Stanley D., Board of
Trade Bldg.

More, Jno. E., Mich. Trust Co. Bldg.

Moulton, Luther V., Houseman Bdg.

Nichols, M. A., Wonderly Bldg.

Norris, Mark, Mich. Trust Co. Bldg.

O'Brien, Thos. J., Mich. Trust Co.
Bldg.

Perkins, Cyrus E., Mich. Trust Co.
Bldg.

Perkins, Willis B., Court House.

Smedley, C. O., Houseman Bldg.

Smith, Wm. Alden, Wm. Alden
Smith Bldg.

Stace, Francis A., Mich. Trust Co.
Bldg.

Stuart, Wm. J., City Hall.

Swarthout, Elvin, Mich. Trust Co.
Bldg.

Taggart, Edw., Mich. Trust Co. Bdg.

Taggart, Ganson, Mich. Trust Co.
Bldg.

Thornton, Howard A., Mich. Trust
Co. Bldg.

Travis, Phillip H., Mich. Trust Co.
Bldg.

Walker, Myron H., Mich. Trust Co.
Bldg.

Ward, M. Thomas, Wonderly Bldg.

Warner, David A., Mich. Trust Co.
Bldg.

Watkins, Roy M., Houseman Bldg.

Wessellius, Sybrant, Houseman Bdg.

Wicks, Kirk E., Houseman Bldg.

Wilson, Chas. M., Mich. Trust Co.
Bldg.

Wilson, Hugh, Mich. Trust Co. Bldg.

Wolcott, Laurens W., Mich. Trust
Co. Bldg.

Wolf, Gustave A., Mich. Trust Co.
Bldg.

Wykes, Roger Irving, Mich. Trust
Co. Bldg.

GRAYLING

(Crawford County)

Alexander, Geo. L.

GREENVILLE

(Montcalm County)

Bowman, E. J.

Griswold, N. O.

Lewis, Milo.

Rarden, C. L.

HANCOCK

(Houghton County)

Burritt, Wm. A.

Finnegan, J. T.

Wright, C. A.

HART

(Oceana County)

Hanson, Winfield S.

HARRISON

(Clare County)

Cummins, Geo. J.

Morrisey, Francis M.

Quinn, Jno.

HARTFORD

(Van Buren County)

Van Riper, C. M.

HASTINGS

(Barry County)

Colgrove, Phillip T.

Potter, William W.

Pryor, Lee H.

Smith, Clement.

HILLSDALE

(Hillsdale County)

Chester, Guy M.

HOLLAND

(Ottawa County)

Diekema, G. J.

McBride, Charles H.

HOMER

(Calhoun County)

Cavanaugh, H. W.

HOUGHTON

(Houghton County)

Chadbourne, T. L.

Halre, Norman W.

Rees, Allen F.

Robinson, Deen L.

Sheldon, R. S.

Streeter, A. T.

HOWARD CITY

(Montcalm County)

Yondan, J. Claude.

HUDSON

(Lenawee County)

Fellows, Grant

IONIA

(Ionia County)

Davis, E. M.

Davis, F. D. M.

Morse, A. B.

Nichols, Geo. E.

IRONWOOD
(Gogebic County)**Humphrey, Chas. M.****IRON RIVER**
(Iron County)**Byers, I. W.****ISHPEMING**
(Marquette County)**Belden, Wm. P.****Berg, Fred H.****Young, H. O.****ITHACA**
(Grafton County)**McCall, A.****McCall, R.****Searle, K. S.****JACKSON**
(Jackson County)**Badgely, Clyde****Bancker, Enoch****Barkworth, T. E.****Cobb, W. S.****De Land, Chas. J.****Hewitt, Adolphus E.****Kirkby, Elmer****Knowles, R. D.****Miner, Jno. W.****Northrup, Leroy****Parkinson, J. A.****Price, Richard****Pringle, Eugene****Sagendorph, D. P.****Townsend, Chas. E.****Westerman, Walter S.****Wilson, Thos. A.****Worch, Rudolph****JONESVILLE**
(Hillsdale County)**Hawkins, Victor****KALAMAZOO**
(Kalamazoo County)**Boudeman, Dallas****Briggs, Henry C.****Browne, Thos. W.****Burns, J. D.****Chappell, Fred L.****Earl, Otis A.****Howard, Harry C.****Irish, E. M.****Knappen, F. E.****McGurrin, Chas. H.****Mills, A. J.**
Monroe, S. B.
Osborn, J. W.
Stearns, A. M.
Stewart, N. H.
Taylor, Walter R.
Wattles, I. N.
Weimer, Geo. V.
Weston, Frank S.**KALKASKA**
(Kalkaska County)**Boyd, J. L.****Smith, Ernest C.****LAKE CITY**
(Missaukee County)**L'ANSE**
(Baraga County)**Mason, W. L.****O'Connor, Jos. J.****LANSING**
(Ingham County)**Black, C. P.**
Blair, Chas. A.
Cahill, Edward
Carpenter, William L.
Chase, Henry E.
Cummins, Alva M.
Dodge, Frank L.
Dunnebecke, Jos. H.
Foster, Chas. W.
Foster, Walter S.
Gardner, Henry M.
Gardner, L. B.
Grant, C. B.
Hayden, Charles Howe
Hood, Oscar J.
Hooker, Frank A.
Hooker, Harry E.
Hopkins, Chas. C.
Kilbourne, S. L.
McAlvay, A. V.
McClellan, John
Montgomery, R. M.
Moore, Jos. B.
Nichols, Chas. W.
Nichols, Jason E.
Ostrander, Russell C.
Person, Rollin H.
Person, Seymour H.
Reasoner, Jas. M.
Silsbee, Harry A.
Thomas, Harris E.
Wiest, Howard
Wood, Clark C.
Zimmer, John J.

LAPEER

(Lapeer County)

Brown, W. E.
Williams, W. B.**LAURIUM**

(Houghton County)

O'Brien, P. H.

LAWTON

(Van Buren County)

Lawton, Eugene W.
Tabor, L. A.**LESLIE**

(Ingham County)

Tuttle, Arthur J.

LEXINGTON

(Sanilac County)

Beach, Watson

LOWELL

(Kent County)

Perry, Milton M.

LUDINGTON

(Mason County)

Danaher, M. B.
Phelan, Jno.**MANCHESTER**

(Washtenaw County)

Freeman, F. M.

MANISTEE

(Manistee County)

Smith, R. W.

MANISTIQUE

(Schoolcraft County)

Hixon, Virgil I.

MANTON

(Wexford County)

Wheeler, Isaac C.

MARCELLUS

(Cass County)

Jones, Walter C.

MARINE CITY

(St. Clair County)

Black, E. S.

MARION

(Osceola County)

Kinney, W. L.

MARQUETTE

(Marquette County)

Ball, Dan H.
Eldredge, A. B.
Miller, A. E.
Stone, Jno. W.**MARSHALL**

(Calhoun County)

Dennison, Edw. J.
Patterson, Jno. C.
Porter, Wm. H.**MASON**

(Ingham County)

Hemans, Lawton T.

MENOMINEE

(Menominee County)

Opsahl, Jno. M.
Sawyer, Alvah L.
Trudell, J. F.**MIDLAND**

(Midland County)

Gordon, Wm. D.
Post, Floyd L.**MONROE**

(Monroe County)

Golden, C. A.
Landon, Geo. M.
Lockwood, H. A.**MT. CLEMENS**

(Macomb County)

Bowers, Varnum J.
Crocker, Martin
Erskine, Byron R.
Jenney, W. S.
Knight, Seth W.
Miller, Fred'k C.
Spier, S. B.
Tucker, J. G.**MT. PLEASANT**

(Isabella County)

Dodds, Francis H.
Dodds, Peter F.
Russell, Chas. T.

MUNISING

(Alger County)

Freeman, Henry B.

MUSKEGON

(Muskegon County)

Carpenter, Wm.
Chaddock, Chauncey J.
Cross, Chas. B.
Erwin, David D.
Hoyt, H. J.
Hoyt, Wm. E.
Lovelace, Geo. S.
MacDonald, R. J.
Nims, F. A.
Ross, Jno. Q.
Sessions, C. W.
Sullivan, Jas. E.
Turner, Jerome E.
Turner, Willard J.
Vanderwerp, John
Wilson, F. W.

NEWAYGO

(Newaygo County)

Day, A. G.
Luton, Geo.

NEWBERRY

(Luce County)

NILES

(Berrien County)

Coolidge, Orville W.
Van Riper, Jacob J.

NORTHVILLE

(Wayne County)

Clark, Clarence D.

NORWAY

(Dickinson County)

Flannigan, R. C.

ONTONAGON

(Ontonagon County)

Jones, John

OWOSSO

(Shiawassee County)

Chandler, A. L.
Kilpatrick, Wm.

OXFORD

(Oakland County)

Jenkins, Frank E.
Kinsman, Geo. O.

PAW PAW

(Van Buren County)

Anderson, David
Cavanaugh, Thos. J.
Chase, Russell M.
Free, A. L.
Titus, Lincoln H.
Warner, Glenn E.

PENTWATER

(Oceana County)

Harvey, G. Wm.

PLYMOUTH

(Wayne County)

PONTIAC

(Oakland County)

Patterson, Jno. H.
Rockwell, K. P.
Webster, Elmer R.

PORT AUSTIN

(Huron County)

Hall, James H.

PORT HURON

(St. Clair County)

Avery, Lincoln
Hovey, Cyrus A.
Jenks, W. L.
Ladd, S. W.
Law, Eugene F.
Moore, George G.
Walsh, Jos.
Wolcott, Frank T.

REED CITY

(Osceola County)

Savidge, B. N.

RICHMOND

(Macomb County)

Stone, W. S.

ROMEO

(Macomb County)

Thorington, C. C.

ST. IGNACE

(Mackinac County)

Hoffman, Henry

ST. JOHNS

(Clinton County)

Brown, J. Earle
Dooling, John C.
Lyon, Edwin H.
Smith, Wm. M.
Walbridge, H. E.

ST. JOSEPH

(Berrien County)

Fyfe, L. C.
Graves, Frank P.
St. Clair, John C.
Stratton, Chas. W.

SAGINAW

(Saginaw County)

Baker, Orlando H.
Beach, Emmet L.
Crane, Wm. E.
Davis, Geo. W.
Davitt, Jas. H.
Durand, L. T.
Gage, Chauncey H.
Gage, Wm. G.
Humphrey, Watts S.
McKay, Jno. A.
Naegley, Henry E.
O'Keefe, Jno. F.
Purcell, Miles J.
Quinn, Frank Q.
Smith, Wallis Craig
Thayer, Russell B.

SANDUSKY

(Sanilac County)

Dawson, Wm.

SAULT STE. MARIE

(Chippewa County)

Coutts, W. A.
Handy, Sherman T.
Holden, Lawson C.
McDonald, Michael F.
Oren, Horace M.
Sharpe, Albert E.
Steere, J. H.
Sullivan, Frank P.
Warner, Frank R.
Wiley, Merlin

SARANAC

(Ionia County)

Wilson, Chas. L.

SOUTH HAVEN

(Van Buren County)

Chandler, Jas. E.
Cook, H. T.
Wicksall, Guy J.

STANDISH

(Arenac County)

McCarthy, Jno. J.

STANTON

(Montcalm County)

Palmer, L. C.
Phelps, Earl F.

TECUMSEH

(Lenawee County)

THREE RIVERS

(St. Joseph County)

Andrews, Bishop E.
Constantine, S. M.
Pealer, Russell R.

TRAVERSE CITY

(Grand Traverse County)

Davis, H. C.
Pratt, E. S.
Pratt, Fred H.
Underwood, M. W.

VASSAR

(Tuscola County)

VICKSBURG

(Kalamazoo County)

Cropsey, Jesse R.

WEST BRANCH

(Ogemaw County)

Sharpe, Nelson

YALE

(St. Clair County)

YPSILANTI

(Washtenaw County)

Hatch, W. B.

OUTSIDE OF MICHIGAN

Brown, Henry B., Washington, D. C.
Couch, John A., Aqueduct Bldg.,
Rochester, N. Y. (Formerly of
Sault Ste. Marie.)
Fowler, Frank L., 1412 Hartford
Bldg., Chicago, Ill. (Formerly
of Manistee.)
Maynard, Fred A., Helena, Mont.
(Formerly of Grand Rapids)
O'Brien, M. Hubert, care U. S. Court
for China, Shanghai, China.
(Formerly of Detroit.)
Peters, M. B., Mammoth Springs,
Ark. (Formerly of Newberry.)
Rosenberg, Louis J., U. S. Consul,
Seville, Spain. (Formerly of De-
troit.)
Smith, Chas. H., Manila, P. I. (For-
merly of Jackson.)
Waddock, John C., 7 Wall St., New
York. (Formerly of Bay City.)

LIST OF DECEASED MEMBERS.

- Adams, Hon. Oscar, Cheboygan,
(See page 114, Proceedings of 1903).
- Alexander, Hon. Chas. T., Detroit.
- Atkinson, Hon. John, Detroit, died Aug. 14, 1901,
(See page 119, Proceedings of 1903).
- Atkinson, Hon. O'Brien J., Port Huron,
(See page 35, Proceedings of 1902).
- Babbitt, Hon. J. W., Ypsilanti,
(See page 35, Proceedings of 1902).
- Bean, Hon. Seth, Adrian,
(See page 28 and 114, Proceedings of 1903).
- Beaver, Hon. Theo. G., Niles, died Sept. 1, 1906.
- Brennan, Hon. Michael, Detroit, died Dec. 11, 1905,
(See page 81, Proceedings of 1906).
- Brooks, Hon. John M., Saginaw, died March 26, 1904
(See page 76, Proceedings of 1904).
- Brown, Hon. Benjamin J., Menominee, died Jan. 9, 1905.
(See page 60, Proceedings of 1905).
- Carpenter, Hon. Henry B., Lansing, died Aug. 5, 1905.
(See page 80, Proceedings of 1906).
- Chambers, Hon. F. H., Detroit,
(See page 35, Proceedings of 1902).
- Champlin, Hon. John W., Grand Rapids, died July 24, 1901.
(See page 119, Proceedings of 1903).
- Chatterton, Hon. Mason D., Lansing, died October 27, 1903.
(See page 73, Proceedings of 1904).
- Cheever, Hon. Noah Wood, Ann Arbor, died July 20, 1905.
(See page 87, Proceedings of 1906).
- Clark, Hon. Frederick O., Marquette,
(See page 85, Proceedings of 1906).
- Clute, Hon. Lemuel, Ionia.
(See page 85, Proceedings of 1902).
- Conley, Hon. Edwin F., Detroit, died April 20, 1902.
(See page 115, Proceedings of 1903).
- Crocker, Hon. Thomas M., Mt. Clemens,
(See page 114, Proceedings of 1903).
- Cruikshank, Hon. A. D., Charlevoix.
(See page 114, Proceedings of 1903).
- Cutcheon, Hon. S. M., Detroit, died April 18, 1900.
(See page 121, Proceedings of 1903).
- Durand, Hon. Geo. H., Flint.
(See page 114, Proceedings of 1903).

- Eddy, Hon. L. P., Grand Rapids.
(See page 35, Proceedings of 1902).
- Eldredge, Hon. J. B., Mt. Clemens.
(See page 35, Proceedings of 1903).
- Evans, Hon. W. T., Pentwater.
(See page 35, Proceedings of 1902).
- Felker, Hon. Henry J., Grand Rapids.
(See page 28, Proceedings of 1903).
- Fedewa, Hon. John H., St. Johns, died Jan. 27, 1901.
(See page 121, Proceedings of 1903).
- Fletcher, Hon. Niram, A., Grand Rapids, died Aug. 15, 1899.
(See page 120, Proceedings of 1903).
- Fuller, Hon. C. C., Big Rapids, died Dec. 23, 1906.
- Fuller, Hon. Wm. D., Grand Rapids, died March 20, 1906.
(See page 80, Proceedings of 1906).
- Gott, Hon. Edward A., Detroit, died May 9, 1904.
(See page 78, Proceedings of 1904).
- Graves, Hon. Benj. F., Detroit, died March 3, 1906.
(See page 77, Proceedings of 1906).
- Griffin, Hon. Levi Thos., Detroit, died March 17, 1906.
(See page 83, Proceedings of 1906).
- Haggerty, Hon. William H., Grand Rapids, died March 31, 1904.
(See page 77, Proceedings of 1904).
- Harris, Hon. John M., Saginaw, died Feb. 25, 1906.
(See page 88, Proceedings of 1906).
- Hawley, Hon. J. G., Detroit, died Aug. 17, 1900.
(See page 120, Proceedings of 1903).
- Hayden, Hon. George, Ishpeming.
(See page 114, Proceedings of 1903).
- Higgins, Hon. S. G., Saginaw.
(See page 128, Proceedings of 1903).
- Hopkins, Hon. George H., Detroit, died March 6, 1906.
(See page 84, Proceedings of 1906).
- Hopkins, Hon. Joel C., Battle Creek, died April 29, 1907.
(See page 80, Proceedings of 1908).
- Howard, Hon. Wm. G., Kalamazoo, died Aug. 8, 1906.
(See page 81, Proceedings of 1906).
- Hoyt, Hon. Birney, Grand Rapids.
(See page 35, Proceedings of 1902).
- Hulbert, Hon. Stephen S., Battle Creek, died May 15, 1904.
(See page 78, Proceedings of 1904).
- Hunter, Hon. F. W., Grand Rapids.
(See page 35, Proceedings of 1902).
- Huston, Hon. B. W., Vassar.
(See page 35, Proceedings of 1902).
- Jacobs, Hon. Jas. A., Pontiac.
(See page 82, Proceedings of 1906).

- Lee, Hon. Jay P., Lansing.
(See page 35, Proceedings of 1902).
- Lillibridge, Hon. W. M., Detroit, died October 2, 1904.
(See page 67, Proceedings of 1905).
- Lockton, Hon. Andrew W., Battle Creek, died April 5, 1904.
(See page 77, Proceedings of 1904).
- Long, Hon. Chas. D., Lansing.
(See page 35, Proceedings of 1902).
- Lovell, Hon. Henry R., Flint.
(See page 68, Proceedings of 1905).
- Lowell, Hon. Dwight N., Romeo.
(See page 68, Proceedings of 1905).
- Moore, Hon. William A., Detroit, died Sept. 26, 1906.
(See page 84, Proceedings of 1906).
- McGrath, Hon. J. W., Detroit, died Dec. 9, 1905.
(See page 78, Proceedings of 1906).
- McMath, Hon. J. W., Bay City.
(See page 35, Proceedings of 1902).
- Meddaugh, Hon. Elijah W., Detroit, died Dec. 20, 1903.
(See page 74, Proceedings of 1904).
- Metzer, Hon. Henry F., Sault Ste. Marie, died Jan. 9, 1906.
(See page 68, Proceedings of 1905).
- Patton, Hon. John, Grand Rapids, died May 24, 1907.
(See page 85, Proceedings of 1908).
- Peck, Hon. Erastus, Jackson, died January 22, 1904.
(See page 75, Proceedings of 1904).
- Peters, Hon. Frank H., Manistique.
(See page 35, Proceedings of 1902).
- Rood, Hon. Arthur R., Grand Rapids.
(See page 35, Proceedings of 1902).
- Russell, Hon. F. G., Detroit.
(See page 35, Proceedings of 1902).
- Russell, Hon. Alfred, Detroit.
(See page 80, Proceedings of 1906).
- Smith, Hon. Chas. S., Saginaw, died Dec. 22, 1906.
(See page 86, Proceedings of 1908).
- Smith, Hon. Francis, Muskegon.
(See page 114, Proceedings of 1903).
- Smith, Hon. Quincy A., Lansing, died Oct. 3, 1907.
(See page 86, Proceedings of 1908).
- Smith, Hon. Vernon, Ionia.
(See page 87, Proceedings of 1908).
- Stevens, Hon. Herman W., Port Huron, died May 15, 1907.
(See page 88, Proceedings of 1908).
- Straker, Hon. D. Augustus, Detroit, died Feb. 14, 1908.
(See page 89, Proceedings of 1908).
- Snow, Hon. Byron Albert, Saginaw, died May 5, 1906.
(See page 70, Proceedings of 1905).

Thompson, Hon. Charles E., Bad Axe, died March 27, 1907
(See page 60, Proceedings of 1908).

Thompson, Hon. Guy B., Detroit.
(See page 35, Proceedings of 1908).

Thrall, Hon. C. H., Big Rapids.
(See page 35, Proceedings of 1908).

Uhl, Hon. Edwin F., Grand Rapids, died May 17, 1901.
(See page 150, Proceedings of 1902).

Vance, Hon. Samuel W., Port Huron.
(See page 35, Proceedings of 1908).

Wanty, Hon. Geo. P., Grand Rapids, died July 9, 1906.
(See page 60, Proceedings of 1908).

Ward, Hon. John, Detroit.
(See page 35, Proceedings of 1908).

Warner, Hon. Carlos, E., Detroit.
(See page 60, Proceedings of 1908).

Watson, Hon. Lewis, Detroit.
(See page 35, Proceedings of 1908).

Weaver, Hon. Clement E., Adrian, died April 6, 1906.
(See page 60, Proceedings of 1908).

Whipple, Hon. Frank, Port Huron.
(See page 35, Proceedings of 1908).

Wolcott, Hon. Alfred, Grand Rapids, died March 6, 1906.
(See page 62, Proceedings of 1908).

PROCEEDINGS

OF THE

NINETEENTH AND TWENTIETH
ANNUAL MEETINGS

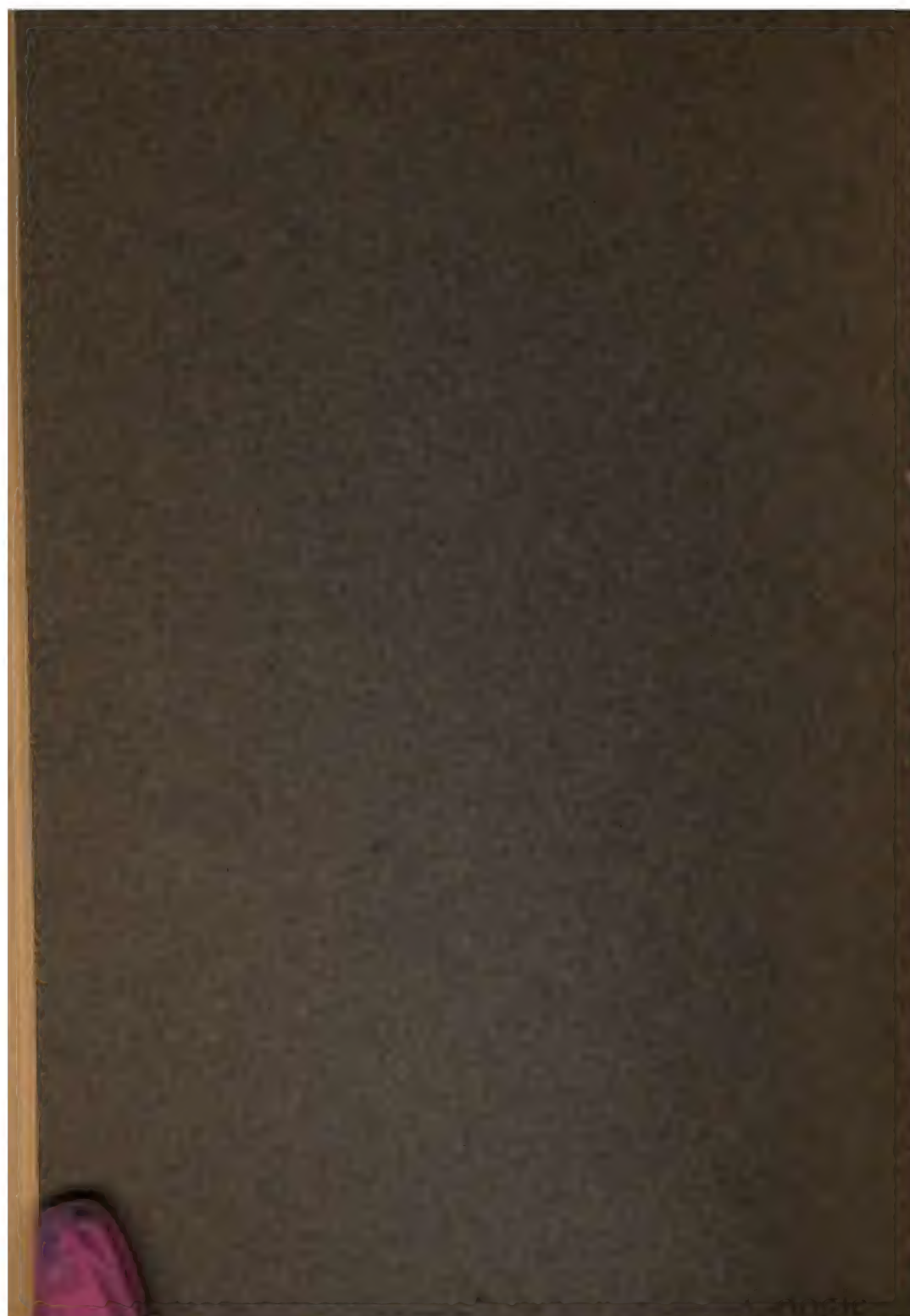
OF

THE MICHIGAN STATE BAR ASSOCIATION

HELD AT THE UNIVERSITY OF MICHIGAN
ANN ARBOR, MICHIGAN
ON SEPTEMBER 19-20, 1913

MARGUERITE MICHENER, CL.

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PROCEEDINGS
OF THE
NINETEENTH AND TWENTIETH
ANNUAL MEETINGS
OF
THE MICHIGAN STATE
BAR ASSOCIATION

**WITH REPORTS OF COMMITTEES,
LISTS OF OFFICERS,
MEMBERS, ETC.**

MARQUETTE, MICHIGAN
JULY 26-27, 1910

Press of The Hensen Printing Co., Grand Rapids, Mich.

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HON. HARRY A. LOCKWOOD
PRESIDENT 1909-1910

PROCEEDINGS

**PROCEEDINGS AT A MEETING OF THE BOARD OF
DIRECTORS OF THE MICHIGAN STATE BAR
ASSOCIATION, AT HOTEL PONTCHARTRAIN,
APRIL 19, 1909**

Present, Harry L. Lockwood, M. B. Danaher, R. R. Pealer, N. O. Griswold, John W. Beaumont, William K. Clute, Seth W. Knight, John J. Carton and William J. Landman, as members of said Board of Directors; also George B. Yerkes, as president of the Detroit Bar Association, Thomas A. E. Weadock, as vice-president of the Detroit Bar Association, Alexander K. Gage, as secretary of the Detroit Bar Association, and William L. January as vice-president, for Michigan, of the American Bar Association.

William J. Landman, as secretary of the board, called the meeting to order and asked for the selection of a chairman for the meeting. On motion of Mr. Beaumont, Judge Harry A. Lockwood was elected as chairman of the meeting.

Secretary Landman presented the resignation of Frederick W. Stevens as president of the association. On motion of Mr. Beaumont the resignation was accepted.

Judge R. R. Pealer nominated Judge Harry A. Lockwood president of the association for the remainder of the association year. No other nominations being made the secretary, on putting the question, was instructed to cast the ballot of the board for Judge Lockwood, as president.

On motion of Mr. Knight, Mr. John W. Beaumont of Detroit was nominated for vice-president, to succeed Hon. Michael Brown, formerly of Big Rapids, who has removed to the State of Montana. On motion the Secretary was instructed to cast the ballot of Mr. Beaumont for vice-president for the remainder of the association year.

On motion of Mr. Beaumont it was decided that no program be prepared for the meeting of the Michigan State Bar Association to be held in August, 1909, but that such meeting be confined to business only, except that the Executive Committee with the President be given power to fix the exact time and place of such business meeting, and be authorized to present any specific matters for action, which in their judgment, might be necessary.

Mr. Clute moved that the Secretary be instructed to send congratulatory letters, and words of regret at their removal from our state, to President Frederick W. Stevens and Vice-President Michael Brown.

PROCEEDINGS
OF THE
TWENTIETH ANNUAL MEETING
OF
THE MICHIGAN STATE BAR ASSOCIATION
At the County Court House, Marquette, Michigan,
Tuesday, July 26, 1910

The meeting was ordered called by President Harry A. Lockwood, whereupon the Hon. Dan H. Ball of Marquette extended the following address of welcome:

ADDRESS OF WELCOME.

Mr. President, and Gentlemen of the Michigan State Bar Association:

On this occasion of your first meeting at our city, or in the Upper Peninsula, I take great pleasure in extending to you, on behalf of the members of the bar of Marquette County, a cordial and hearty welcome to our city, and I think I may also speak for our citizens generally, and in their behalf extend the same cordial welcome. And to those of you who come from below the Straits, I feel justified in speaking for the bar of the entire Upper Peninsula, and in their behalf I also bid you a hearty welcome to our beautiful, though rough and rugged Peninsula.

Isolated, as we have been from the rest of the state, and brought in contact with each other much more intimately than with our brothers of the profession in the Lower Peninsula, we have long practically disregarded county lines, and have considered ourselves just as Upper Peninsula lawyers, and as such we regard the selection of Marquette as the place of meeting as an honor to the bar of the entire Upper Peninsula, and we appreciate it as such.

A few of us, whose gray hairs tell of advanced years, can look back to the time when the Upper Peninsula was merely a far off

Province of Michigan, so to speak, and was practically so regarded by the people of both peninsulas. Communications between us and the Lower Peninsula bar were few and far between. As the years went by, and facilities for intercourse between the two portions of the state increased, we have come to know you better, and we begin to feel that we are really members of the bar of the entire state of Michigan. The people generally of the two portions of the state have come to consider themselves citizens of one great commonwealth, with common aims and a common destiny.

We take pride in the Lower Peninsula, with its fertile fields, its thriving cities and towns, and its progressive and prosperous inhabitants, as well as in the Upper Peninsula, with its rocks and hills, beautiful in its wildness, its extensive mining and lumbering operations, its prosperous towns and cities, and its energetic, wide awake and loyal inhabitants.

When the Congress of the United States, in order to satisfy the claim of Ohio to the Maumee strip, which rightly belonged to the territory of Michigan, proposed to admit the territory as a state on condition that it give up that strip of land and take in its place this supposed barren and worthless peninsula; when the unauthorized "frost bitten" convention that assembled at Ann Arbor in December, 1836, assumed to accept the conditions, and when the Congress, acting on such acceptance, admitted Michigan as a state of the Union, they little dreamed that they were securing to Michigan a territory worth many times the Maumee strip of which it was unjustly deprived.

But though acting with an eye single to present political advantage, they unwittingly laid deep the foundations of a magnificent commonwealth, with resources varied and unlimited. While the Lower Peninsula is distinguished for its agricultural resources capable of indefinite development, its commercial prominence and its flourishing manufactures, the richness of the mines of iron and copper of the Upper Peninsula, its immense timber and lumber resources, its extensive fisheries and the grandeur of the inland seas that wash its rocky shores, bearing on their bosom a commerce of almost incredible proportions, are known and recognized the world over.

It is our privilege to aid in shaping the unwritten law of such a commonwealth, and applying it to the multitude of new and varying conditions arising from the growth and development of these enormous resources.

Again we bid you a hearty welcome to our city and to our beautiful Peninsula, and trust you may find your short stay with us enjoyable, that you may be refreshed by our bracing and invigorating air, and that this gathering may result not only in mutual benefit to us all professionally, but also in cultivating more intimate and cordial

social relations between us, as members of the bar of our great and beautiful dual peninsular state.

To which address of welcome President Lockwood appropriately responded.

The President then called for the reading of the minutes of preceding meeting.

MINUTES OF 1909 MEETING

The 19th annual meeting of the Michigan State Bar Association was called to order by President Hon. Harry A. Lockwood, in the Wayne County Court House, at 10:00 a. m. on August 26th, 1909, in the City of Detroit.

Owing to the fact that the American Bar Association was holding its annual session in the same city, at the same time, and was carrying out an extensive program, no transactions other than those pertaining to a formal business session took place.

The Association received, and accepted, with thanks, an invitation from the Detroit Bar Association to the members to attend a reception tendered to the American Bar Association at the Country Club, and to attend the ball game Friday afternoon, August 27th.

The minutes of the preceding meeting were approved as printed in the pamphlet issued by the Association in 1908.

The report of the Secretary, attached hereto, was read and accepted.

(See page 77 for Secretary's Report, 1909).

The report of the Treasurer, as attached hereto, was read and accepted.

(See page 87 for Treasurer's Report, 1909).

The report of the Committee on Legislation and Law Reform, as attached hereto, was read and accepted.

The report of the Committee on the Incorporation of the Association was read, and the Committee continued, with power to act.

(See page 66 for Committee Report).

President Lockwood appointed, as a Committee on Nomination of Officers, the following:

Mr. A. J. Lacy of Detroit,
Hon. Clarke E. Baldwin of Adrian,
Judge John B. Shipman of Coldwater.

President Lockwood appointed, as a Committee to audit the books of the Treasurer and the Secretary, the following:

Hon. Henry C. Smith of Adrian,
 Mr. N. O. Griswold of Greenville,
 Mr. M. B. Danaher of Ludington.

The Committee on Nomination of Officers recommended that the following named officers and members of the Board of Directors of the Association be elected for the ensuing year, which recommendation was carried as a motion and the ballot was cast, as follows:

OFFICERS THE MICHIGAN STATE BAR ASSOCIATION

1909-10.

President.....	JUDGE HARRY A. LOCKWOOD, Detroit
Vice-President.....	C. W. PERRY, Clare
Secretary.....	WM. J. LANDMAN, Grand Rapids
Treasurer.....	WM. E. BROWN, Lapeer

BOARD OF DIRECTORS.

First Congressional District...	JUDGE W. L. CARPENTER..	Detroit
Second " "	...JUDGE C. A. GOLDEN.....	Monroe
Third " "	...HARRY C. HOWARD....	Kalamazoo
Fourth " "	...VICTOR M. GORE...	Benton Harbor
Fifth " "	...WM. K. CLUTE.....	Grand Rapids
Sixth " "	...JOHN J. CARTON.....	Flint
Seventh " "	...EUGENE F. LAW.....	Port Huron
Eighth " "	...MILES J. PURCELL.....	Saginaw
Ninth " "	...MICHAEL B. DANAHER..	Ludington
Tenth " "	...DEVERE HALL.....	Bay City
Eleventh " "	...NORRIS O. GRISWOLD..	Greenville
Twelfth " "	...ALLEN F. REES.....	Houghton

The Committee on Membership made a report, which is attached hereto, which report was accepted and filed.

(See page 64 for Committee's Report).

The Auditing Committee reported that they had performed their service and that the Association had on hand the sum of \$326.09. The report, which was received and filed, is attached hereto.

(See page 88 for Committee Report).

The Association thereupon adjourned.

The minutes, as read, were approved.

Thereupon President Lockwood delivered his address.

(See page 1 for President's Address).

The report of the Secretary was then read and approved.

(See page 80 for Secretary's Report).

And the report of the Treasurer was read and accepted.

(See page 89 for Treasurer's Report).

Mr. Grant Fellows of Hudson thereupon read the report of the Committee on Legislation and Law Reform, as follows:

(See page 59 for Committee's Report).

Mr. Sloman moved that the incoming Committee on Legislation and Law Reform be instructed to carry out the suggestions contained in the above mentioned Committee's report in regard to a bill for the appointment of a Commission to revise statutes on specific subjects, which motion was carried.

On motion, the report of the Committee was accepted and adopted.

The Secretary thereupon read the report of the Historical Committee, which was accepted and filed.

(See page 68 for Committee's Report).

President Lockwood reported the progress of the work of the Christiancy Memorial Committee, exhibiting several photographs of the model bust of Judge Christiancy which Sculptor Potter has made and from which the marble bust will be cut, and the Secretary read his report as Treasurer of the Christiancy Memorial Fund.

(See page 88 for Memorial Fund Report).

TUESDAY AFTERNOON.

Mr. Wm. P. Belden of Ishpeming read a paper upon "Personal Injury Litigation and Remedial Legislation."

(See page 9 for Mr. Belden's Address).

Which was followed by a paper by Mr. P. H. O'Brien of Laurium, on "The Evolution of Personal Injury Law from the Standpoint of the Employee."

(See page 22 for Mr. O'Brien's Address).

Mr. Watts S. Humphrey of Saginaw, as Chairman of the Committee on Legal Education and Admission to the Bar, read the report of that Committee, and which report, on motion, was referred to the incoming Committee on Legislation and Law Reform, without recommendation and for report.

(See page 61 for Committee's Report.)

President Lockwood, on motion, thereupon appointed Mr. Thos. A. E. Weadock of Detroit, Mr. M. B. Danaher of Ludington and Mr. H. M. Oren^{of} Sault Ste. Marie, as a Nominating Committee, which Committee later nominated the gentleman shown in the list of officers in the appendix hereto, for the respective offices to which they were subsequently elected.

President Lockwood thereupon appointed the following named as a Committee to audit the books of the Secretary and Treasurer: Mr. A. B. Eldredge of Marquette, Mr. A. E. Miller of Marquette and Mr. Grant Fellows of Hudson. The Auditing Committee's report can be found in the Appendix with the reports of the Secretary and the Treasurer.

WEDNESDAY MORNING.

A paper by Hon. Horace M. Oren of Sault Ste. Marie was read, on the subject, "Some Recent 'Soo' Law."

(See page 37 for Mr. Oren's Address).

And a paper on the subject, "Corporation Legislation," was read by Hon. Burritt Hamilton of Battle Creek.

(See page 51 for Mr. Hamilton's Address).

A report from the Committee on Grievances was read by

the Chairman of that Committee, Mr. C. W. Perry of Clare, which report was accepted and filed.

(See page 64 for Committee's Report).

And a report from the Committee on Membership was read, accepted and filed.

(See page 65 for Committee's Report).

A motion was made and carried authorizing the Secretary to send to Judge Shepherd of Cheboygan a telegram of condolence on the loss of his son, who died as a result of an automobile accident, while the Association was in session.

A motion was made and carried authorizing the Secretary to send a letter of condolence to the family of Hon. John C. Patterson, a former influential and beloved member of our organization, who died on May 24th, 1910.

The thanks of the Association were voted and extended to the Bar of Marquette County and particularly to the members of Local Committees for the hospitality extended and the many courtesies shown the visiting members of the Association. In replying to this vote of thanks Mr. Dan H. Ball, of Marquette, Chairman of the Local Committee, thanked the officers and members of the Association for coming to Marquette to hold their meeting and invited them to come again.

APPENDIX

PRESIDENT'S ADDRESS

REORGANIZATION OF THE JUDICIAL CIRCUITS

Hon. Harry A. Lockwood.

Members of the Michigan State Bar Association:

One of the duties devolved upon the President of this Association, by its constitution, is to deliver an address at its regular annual meeting. This constitutional mandate is the only excuse I have for taking your time and asking your attention on this occasion.

The range of subjects in which lawyers are directly and indirectly interested is so wide and many of those subjects are of such great importance and affect so vitally the interests not only of lawyers but of all citizens, that it difficult to select one for an address of this kind. After some consideration, I have concluded to talk to you upon the question of the re-organization of the judicial circuits of this state. I think Michigan is fortunate in the general scheme of courts. We have no intermediate court of appeals or of errors and all cases in our circuit courts, either in law or equity, if reviewed, are reviewed immediately by our court of last resort. To my mind this is an ideal arrangement. The circuit courts of this state are the great judicial forums in which the rights of the people are determined and, in a majority of cases, finally determined. The importance of these courts cannot be over-estimated. Anything which tends to interfere with the prompt dispatch of business in these courts or with a just and final determination of the rights of the litigants therein is a serious menace to our whole judicial system. These courts represent the majesty of the law to the great body of our citizens. It is to these courts that our citizens look for the protection of their rights and for the punishment of crimes and in general for the due administration of justice.

Apart from the importance of having causes speedily and correctly and finally disposed of, the influence which these courts exert, the confidence which they instill in the minds of the citizens in the integrity and ability of our judicial determinations and of the unbiased administration of justice to all classes of our people, without reference to social position, wealth or political influence, is of the utmost importance. I am decidedly of the opinion that these courts are not now organized along the best lines and that as a result they are not, to

the fullest extent, accomplishing all the beneficent purposes which they might accomplish. Circuit courts have existed in this state since its very beginning. The judges of these courts were also judges of the supreme court of the state down to 1858. In 1860 there were ten judicial circuits in this state with ten circuit judges, each of whom drew from the state an annual salary of \$1,500.00. In 1880 there were twenty-four judicial circuits in the state, presided over by twenty-four circuit judges, each of whom drew from the state an annual salary of \$2,500.00. In 1910 there are thirty-nine judicial circuits in this state with forty-eight circuit judges, who receive from the state the annual salary of \$3,500.00. The following counties are each a separate judicial circuit: Monroe, Lenawee, Hillsdale, Kalamazoo, Berrien, Genesee, Calhoun, Jackson, Washtenaw, Wayne, Macomb, St. Clair, Saginaw, Bay, Kent and Ingham. In the county of Wayne there are six circuit judges; in the counties of Kent, Saginaw, St. Clair and Ingham, two each.

Under the constitution of 1850, the salary of the circuit judges was fixed at \$1,500.00, and later, by amendment, at \$2,500.00, and there was no provision for the election of more than one circuit judge in each circuit. From time to time this constitution was amended to permit the election of more than one judge in particular circuits, and it was also amended to permit certain counties, through the boards of supervisors, to pay additional compensation to the circuit judges, one such amendment allowing all the counties of the Upper Peninsula to pay additional compensation. Outside of the Northern Peninsula this additional compensation has been allowed only by those counties constituting a separate judicial circuit. For several years the county of Wayne has paid each of its circuit judges \$3,500.00 in addition to the salary paid by the state. The county of Kent has paid an additional salary of \$1,000.00 per year. I understand that the counties of Washtenaw, Saginaw, Bay, and perhaps some others in the Lower Peninsula are also paying additional salaries to their circuit judges. The amounts of these additional salaries are not reported to any state officer and these amounts cannot be ascertained except from the records of the boards of supervisors in the various counties. For many years the circuit judges of the Northern Peninsula have been paid from two to three times the salary paid by the state. All this extra compensation is granted by resolutions of the boards of supervisors of the various counties. All who knew anything in relation to the subject recognized for many years prior to the adoption of the present constitution that our circuit judges were inadequately paid by the state, but it was not possible to get the people to adopt an amendment providing for larger salaries from the state, and larger salaries could only be lawfully paid by obtaining separate amendments of the constitution applying to particular circuits, and these amendments could only be obtained by providing that the added salaries should be determined by the board of supervisors and paid by the county. To accomplish

the purpose and adequately pay some of the judges upon our circuit benches, this makeshift was adopted and the judges became recipients of the bounties of the boards of supervisors in their respective circuits.

This is an unsatisfactory situation and an unfortunate solution of the problem. The circuit judges of this state are state officers. They should be paid by the state. They should not be responsible to any local boards for any part of their compensation. They should not be hampered by any thought that their conduct might influence liberality or illiberality on the part of local boards of supervisors. The judges of these courts are constantly called upon to pass upon the legality of acts of these boards. The counties are frequently litigants in these courts and the acts of the boards of supervisors are very frequently called in question. It certainly is an unfortunate situation that makes it necessary for the judges of our circuit courts to ask and receive from these boards a grant of salary or extra compensation which can at any time be cut off, changed or modified.

Under the constitution of 1850 not more than one circuit judge could be elected in a judicial circuit, and where the number has been increased, it has been increased by amendment of the constitution permitting the increase in a circuit named in the amendment. As a result of the small salary paid and the lack of power on the part of the legislature to provide for more than one circuit judge in a circuit, it became customary to divide the circuits. The legislature had the power to do this. In this way the number of circuits has been greatly increased and the size of the circuits (speaking with reference to the territory included in the circuit) has been very much diminished. We now have in this state sixteen one-county circuits. Many of these circuits are ridiculously small and do not afford sufficient work to reasonably employ the judge therein. I speak from personal knowledge. For eight years I was judge of the 38th judicial circuit, which included the county of Monroe alone, and I know that all the work of this circuit can be done each year by a court sitting not more than four or six months, and this is true of many of the circuits of this state. It is true of some of the circuits that include several counties. On the other hand, there are some of the circuits that occupy the time of their judges continuously. According to the census of 1904, there are seven circuits in this state each having less than forty thousand population, one of them having less than nineteen thousand, and there are ten circuits having between forty thousand and fifty thousand population. Two circuits with two judges each have less than fifty-six thousand each, while two circuits with but one judge in each have over one hundred thousand population in each. The twenty-fifth circuit, including this county of Marquette, has a population of 121,370, the largest of any circuit in the state having but one circuit judge. While the work of our courts is not always in the

same proportion to the population of the circuits, yet no one can doubt that many of our circuits are too small to employ a man of fair ability who is not occupied with other work than the judicial work of the circuit.

I am of the opinion that a circuit judge should be considered strictly an officer of the state, should be paid a reasonably good salary by the state and should be expected to give his time to the discharge of his judicial duties. The salary paid by the state to the circuit judges for the past ten years has not been sufficient to maintain them and their families in a manner befitting their station in life. Many of the circuit judges have found it necessary to practice law in other circuits than their own, or in the United States Courts, or to be engaged in some business, in order to have a sufficient income to allow them to live reasonably well. This is all wrong. The state should pay salaries that will reasonably support and maintain the judges and permit them to give their undivided attention to their judicial duties. The salaries should be large enough so that good lawyers may be willing to take the positions upon the bench. In some states, New York, Massachusetts and others, liberal salaries are paid. It is not expected that these salaries will be made large enough to attract the very best lawyers to the bench for financial gain. The best lawyers will always be able to earn more money in the practice of their profession than can be paid to them on the bench, but men who have practiced law for years and who have the requisite ability to make good judges are willing to take these places providing the salaries are sufficient to furnish them reasonable support. The honor connected with the office and the desire to discharge their duty as citizens to the state will always attract a considerable number of first-class men to the circuit bench. The payment of \$2,500.00 or even \$3,500.00 precludes a man taking a position upon the bench who has a family to maintain unless he has an income from some other source than his salary, and in those counties where additional compensation is provided by the boards of supervisors, there are many self-respecting, independent lawyers who will not place themselves in a compromising position where they feel that their salary is dependent either upon their political influence or their ability to steer clear of doing anything which may prejudice their chances before the local boards.

As a result of dividing circuits and creating new circuits, in a large portion of the Southern Peninsula, the circuit court has come to be essentially a county court. The judge is elected from among the lawyers of the county. In most instances a man must have practiced law fifteen or twenty years before he will be selected as a judge of the circuit court. Men are selected who have been in practice in the particular county for this number of years. These men may be selected because of their political influence in that county. I do not

think this is the case as a rule. Our citizens are very loyal to the courts and have a high idea of the judicial position and ordinarily seek to place upon the bench the very best material available, but when this is done, we have upon the bench a man who has practiced law in the county where he is to hold court, say from fifteen to twenty-five years, and in some cases longer. In the smaller one-county circuits of the state and in many of the smaller circuits of two counties, the judge is intimately acquainted with every person, firm or corporation likely to have litigation in his circuit involving any considerable amount. It is probable that he has been counsel for or against one or perhaps both of the litigants. If not, he has done business for one or both or has had the opportunity to know the business methods, the peculiarities, the frailties and the shortcomings of these litigants. He has been in intimate relation politically, socially and otherwise, with the residents of his county, and he does his work under the influence of all these relations. His likes, his dislikes, his prejudices, his preconceived notions, cannot all be laid aside the moment he ceases to be a practicing lawyer and becomes judge of the court. He may determine not to be in anywise influenced by any of these things, and in most cases I think our circuit judges succeed in freeing themselves from all these influences. But why should a man be placed in this embarrassing situation? Why should he be placed under suspicion? The judges of these one-county circuits and of the other smaller circuits, in the majority of cases, have had most of their practice in the circuits of which they became judges. The peculiar habits, methods and manners of doing work in the court have become fixed upon them, and the tendency is to increase rather than to correct any of the peculiarities that obtain in the circuits. We all of us have observed the peculiar characteristics of various circuits, the peculiar manners and methods of the court and bar in some circuits, and we have noticed that in some circuits these go so far as to injuriously affect the work done in court. These judges, of necessity, have been brought into close relation with all the members of the bar of their circuits. They have practiced law side by side with them, and while this, in a way, gives them the ability to correctly judge the weight and force to be given to arguments and statements of law and fact made by attorneys, in some cases, perhaps, the known frailty of attorneys leads to a suspicion which is detrimental to the rights of their clients.

Again, the selection of judges in these small circuits from among the lawyers, their campaigns for election from time to time, their intimate association with all those connected with the court, either as jurors or officers or litigants, has a tendency to interfere with the dignified procedure which is essential to judicial proceedings in court. In some instances this is so noticeable that everyone remarks upon it.

These reasons and many others that could be mentioned prompted

the Association of Judges of this state to appoint a committee to appear before the late constitutional convention and to advocate certain changes in that part of the constitution relating to the judiciary. The speaker was a member of that committee. In the main the recommendations of that committee were adopted and are now a part of our present new constitution. After considerable discussion the committee of the Judges' Association acquiesced in the provision which permits giving additional compensation by the various counties in the state to the circuit judges. This was a compromise. It was the opinion of all the judges so far as I knew that opinion, that the salary ought to be paid entirely by the state and that the salary ought to be uniform, but it was known that in many counties additional salaries had been paid for a considerable time, and it was believed that neither the constitutional convention, the legislature, nor the people would consent to the raise of salary to a point where it would be reasonable compensation for all circuit judges. It was generally agreed that whatever salary was paid by the state must be uniform to all circuit judges. It was believed that with the many small circuits scattered over the state and the large number of circuit judges in the state, the people would not be willing to grant a salary of six or seven thousand dollars per year, yet those who were drawing salaries of this amount and counties that had been paying these salaries for years were not willing to be deprived of the right to continue, and therefore this provision was incorporated in the new constitution and it was left to the legislature to fix the salary to be paid by the state. In my judgment it is an unfortunate provision, but perhaps the best that could be had under all the circumstances.

It was the opinion of the judiciary committee of the constitutional convention, and I believe generally of the members of that convention, that our judicial circuits ought in some way to be reorganized, and in the new constitution there is a provision allowing the change of circuits, the increase or decrease of circuits, the increase or decrease of circuit judges in each circuit by act of the legislature, and it is also provided that the legislature may divide the state into judicial districts. This matter, therefore, is before the legislature of this state and it has full power under our new constitution to act in every particular.

In my judgment, the proper organization of the circuit courts of this state would be to divide the state into five judicial circuits, each having six circuit judges. These circuit judges would then be elected in the larger circuits. Instead of forty-eight circuit judges we would then have thirty circuit judges. These men could do the work thoroughly and well without any unreasonable burden upon them or any of them, if the state was properly divided among these five circuits. The state could then afford to pay a reasonable salary, from six to ten thousand dollars per year, to each circuit judge. There would

then be no occasion for added salaries to be paid by the counties of the state. The judges would be elected by a larger constituency. More honor and dignity would attach to the office. Local influences and county politics would cut much less figure. The judges of the circuit courts would not be sitting in judgment between their friends, old clients, business associates and social acquaintances. All of the objections which arise from having a judge selected in a county where he has lived and practiced law nearly his whole professional life would be obviated. The judges of each circuit might be empowered to select from among their number one who should be presiding judge, and he should designate the counties in which the various judges are to hold court. These judges could hold court in all of the counties of the circuit and rotate in doing so. As a result business of the courts would be dispatched in a much prompter and more orderly way than it is done at present. When the judge came to a county to hold a term of court, the lawyers and litigants would know that they were expected to be prepared to proceed and there would be no such unseemly unpreparedness and delays as are universally experienced in the small one-county circuits at present. I am satisfied that it is the experience of judges, who have gone out to counties away from where they are widely acquainted, that it is pleasanter to sit and hold court in these counties rather than in those counties where they are intimately acquainted with every one in any way connected with the court or the cases as parties, witnesses, jurors or otherwise, and I believe that it is the observation and experience of attorneys that business is more promptly transacted, courts are more orderly, and the results in the main are more satisfactory, other things being equal, where an outside judge comes in to hold a term of court than where the local judge sits in his own county. I believe that under the present constitution, it becomes the duty of the legislature of this state to take this matter up and act energetically, fearlessly and patriotically to the end that the best interests of the state may be subserved.

The judges of our circuit courts will be elected next spring. Some legislation ought to be had in the early part of the next session of the legislature. Personally I very much prefer wiping out the present judicial circuits and the division of the state into large circuits, not more than five or six such circuits in the whole state. I think this is better than to continue the circuits as now constituted and arrange these circuits in districts. I believe that the larger constituency will, as a rule, produce better candidates for circuit judges, and I believe that this office ought to be as far removed as possible from the influence of local county politics. There are now more circuit judges in this state than are needed to do the work. We all appreciate the difficulty of doing what ought to be done along these lines. Much local influence and pressure will be put upon legislators to preserve the local political situation and to retain the jobs for the faithful.

Many, who have, practically, a life tenure in the nice, neat, easy positions now occupied, will object to any change in the circuits. Some of these would agree to creating districts retaining the present circuits, but this will not remove many of the most serious objections to the present situation. It may be said the change in circuits should not be made until the salaries of all judges are equalized and all paid by the state. The right of the counties to pay additional salaries would still remain, but I am of the opinion that if the legislature will show the courage to act wisely and patriotically in this matter, without fear of certain personal interests and local influences, and will cut down the number of circuit judges from forty-eight to thirty, the people will gladly respond to such treatment and approve legislation granting good salaries to the thirty judges. If the salary of each of these thirty judges were fixed at six or seven thousand dollars, the people of the state would pay but little, if any, more than is being paid now including the additional salaries paid by counties. Whether this is done or not, no one will be harmed, for the judges can still rely on the liberality of the supervisors.

Here is an opportunity for wise and patriotic legislation in the interest of our state and all its citizens. It is an opportunity to place the judiciary of our state, for the present and for the future, upon a higher plane of respect, honor and efficiency, to make it, in a greater degree than at present, the instrument of securing prompt and exact justice for all, and thus the greatest protection and guaranty of the perpetuity of our republican form of government and of the liberties and privileges which we can enjoy only if this form survives.

ADDRESS

PERSONAL INJURY LITIGATION AND REMEDIAL LEGISLATION.

Wm. P. Belden, Ishpeming.

Two years ago the President of this association gave an excellent address relative to legislation affecting the law of negligence. He expressed the opinion that some modification of existing rules was certain to be made by the legislature in the near future, and suggested that this subject should be given careful consideration with a view to securing intelligent revision, and of defeating radical and unjust proposals.

The legislature of 1909 partially fulfilled this prediction by passing an act prescribing the liability of common carrier railroad companies to their employees. This act in substance destroys the fellow servant doctrine in railroad cases, relieves the employee from his own contributory negligence in all cases where his negligence is of a lesser degree than that of the company, its officers, agents or employees, and also in all cases of the violation by such common carrier of any statute enacted for the safety of employees. It likewise relieves the employee from the legal responsibility of assuming the risk of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employees.

This act further provides that no contract of employment, insurance, relief benefit or indemnity for injury or death entered into by or on behalf of any employee, nor the acceptance of any such insurance, relief benefit or indemnity shall constitute any defense to any action to recover damages, though such sums as the defendant may have contributed toward these funds may be set off against the verdict recovered.

It is not my purpose to discuss in detail the provisions of this statute, nor the effect it will have upon cases falling within its terms.

It is manifest, first, that it makes common carrier railroad companies liable to their employees in a very much larger proportion of the cases where accidents occur, than ever before in the history of the state; and second, that it places it beyond the power of such companies and their employees to enter into any arrangement providing insurance, relief funds or indemnities for such injured employees, or in case of their death for their families, with any assurance that such arrangement will dispose of the controversy between them.

It may be predicted with reasonable assurance, that this act will be followed by an attempt to apply similar rules by statute to other industries than the railroads, and eventually to include all cases of negligence arising between employer and employee.

Such modifications, or to speak more accurately, this practical destruction of the defenses which have grown up as a part of the common law system of awarding damages for negligence, is bound to work a grave injustice against employers.

It was never contemplated that the common law system should apply to purely accidental injuries. The fundamental principle underlying the right of recovery in all such cases is, and always has been, the responsibility of the defendant for injuries caused by his wrongful or negligent acts, and not otherwise. On the other hand, the plaintiff was held responsible in like manner for his own negligence, and was not permitted to recover where his own carelessness contributed to his injury, and by no principle of logic can it fairly be said that there is any more reason for relieving the one party from the effects of his own acts than the other.

The course of this brief paper will not permit, nor is it necessary before this association to enter upon any discussion of the merits of the well-known defenses of contributory negligence, assumption of risk, and at least the general principle of the fellow servant rule. Viewed purely from the standpoint of the common law system of awarding damages only in those cases where the injury was due to the negligence of the defendant, these defenses have received the approval of courts of last resort in practically every English-speaking country in the world. It is only when this system is sought to be extended to award compensation regardless of negligence, and to meet cases which it was never designed to cover, that magazine writers and other critics of the common law system have reached the conclusion that these rules were illogical.

The great industrial development of the past quarter of a century has wrought enormous changes in public sentiment in respect to the treatment of injured employees and in caring for their families. Thousands of men are killed or injured on the railroads, in the factories, furnaces, rolling mills, mines, and in other hazardous employments

essential to our complex civilization, notwithstanding the use of safety appliances and regulations that were unknown twenty-five years ago. Experience has shown that only a relatively small proportion of these cases occur under circumstances which would legally entitle the injured workmen, or their families in case of death, to damages at common law on the theory that the employer has been negligent. In almost every industry employers are themselves taking the lead in providing safeguards and regulations which will protect their men so far as is possible to do so.

There is unquestionably a strong and growing sentiment that the economic injustice of making the injured workman, or in case of his death his family, assume practically the entire burden of the loss sustained through such injuries, ought to be and must be rectified. But such legislation as I have referred to does not, in my opinion, present the proper remedy. To retain the common law system of awarding damages, the amount of which rests very largely in the discretion of the jury, and at the same time to destroy the defenses which have grown up as an essential part of this system, amounts in substance and effect to tying the hands of the defendant while the plaintiff sandbags him.

Juries will not play the game according to rules. Though a dozen men contradict the plaintiff, yet if the case is submitted to the jury, the verdict in the great majority of cases will be for the plaintiff. This in my opinion is largely the result of the feeling on the part of jurors that our present system is insufficient, and that all injured men or the families of those who have been killed ought to receive compensation.

A great many careful students of this question have reached the conclusion that the proper method of dealing with all injuries and accidents sustained by workmen in the course of their employment, is to award suitable compensation on some reasonable scale fixed by law, regardless of the question of the negligence of either party, excepting perhaps the very small class of what might be termed willful accidents, and to so provide that such compensation shall be paid promptly, and without expense to the injured man.

It is well known that in England and Germany and many other European countries, laws have been passed and are now in force providing for compensation or indemnity by insurance in all such cases.

In our own country, this subject is now receiving widespread attention. At the present time a Federal commission has been appointed by President Taft to consider and recommend the enactment of compensation laws covering such classes of employees as may come within the jurisdiction of Congress. Commissions have also been appointed and are now at work in Minnesota, Wisconsin, Illinois,

New York, Massachusetts, New Jersey, Missouri, and perhaps other states, to study and formulate suitable legislation in those states.

The first practical statutes of this character to be adopted in any state, were enacted by New York during the present year to take effect September 1st, 1910. One of these statutes is general in its character and relates to all employments.

It modifies the fellow servant doctrine so as to permit recovery where the fellow servant was a person "intrusted with authority to direct, control or command any employee in the performance of the duty of such employee." It relieves the employee from assuming the risk of defects in the place where or the appliances with which he is performing his work, by continuing in the employment after becoming aware of such defects, unless with such knowledge he failed within a reasonable time to give information thereof to the employer or some person superior to himself in the service of the employer, or unless such defect could have been discovered by the employer with reasonable tests and inspections. It also provides that continuing in the employment under such circumstances will not be deemed contributory negligence so as to bar recovery either as a matter of law or as a matter of fact.

The system of compensation provided for is, however, purely optional. It permits any employer and his employees to enter into an agreement in writing to be signed by each of them and acknowledged as required for the acknowledgment of deeds, consenting to this plan of compensation. Such agreement is filed with the county clerk, and until the consent therein contained has expired or been cancelled, the employee will have no other right of action save under this statute, except where the injury is caused in whole or in part by the failure of the employer to obey a valid order made by the commissioner of labor or other public authority authorized to require the employer to safeguard his employees, or where the injury is caused by the willful misconduct of the employer.

Elsewhere in the statute it is provided that either party may cancel the provisions of this agreement on sixty days' notice in writing served personally or by registered letter. In the excepted cases above mentioned the employee retains his common law or other statutory right of action for injuries so received. Aside from such cases the commencing of any legal action whatsoever at common law or by any statute, bars the employee and in the event of death his legal representatives from all compensation under this statute.

The employer is made liable to pay compensation at the rate specified without regard to questions of negligence. The remedy provided by this statute is entirely for the benefit of dependents, and if there are none, then no allowance is made except that in the case of

death the reasonable expense of medical attendance and burial not exceeding \$100.00 is paid.

In case death results from an injury and the employee leaves a widow or next of kin wholly dependent on his earnings, compensation is allowed at a sum equal to twelve hundred times the daily earnings of the employee at the rate he was being paid at the time of the accident, but in no event more than \$3,000.00. If such widow or next of kin are only partly dependent upon his earnings then there shall be awarded such proportion of this compensation as shall be reasonable under the circumstances. Other rates are specified for total or partial incapacity for work, and such amounts are paid in weekly payments.

The amounts so paid are not assignable or subject to attachment, levy or execution, and no claim of an attorney for any contingent interest in any recovery under this plan, for services in securing such recovery shall be an enforceable lien thereon unless the amount is approved in writing by a justice of the Supreme Court, who corresponds in rank to the circuit judge of our state.

It will be noticed that this New York statute has preserved the essential principles of the common law defenses, though modifying what had generally been regarded as extreme applications of these rules. It constitutes a good illustration of intelligent revision.

The other New York statute is limited in its application to certain employments which are determined by the statute to be especially dangerous, and in which extraordinary risks to the life and limb of workmen engaged therein are inherent or substantially unavoidable.

The employments affected by this act include the erection or demolition of any bridge or building requiring iron or steel framework; the operation of elevators or derricks for hoisting materials for such erection; work on scaffolds, elevated twenty feet or more from the ground or water or floor beneath in the erection of such buildings or bridges; the construction of tunnels or subways; all work carried on under compressed air; the construction, operation or repair of wires, cables, switchboards or apparatus charged with electric currents; all work necessitating dangerous proximity to gun powder, blasting powder, dynamite or any other explosive where the same are used as instrumentalities of the industry; and the operation on steam railroads of locomotives, engines, trains, motors or cars propelled by gravity, steam, electricity or mechanical power, and the construction and repair of the tracks and roadbeds over which they are operated.

This act differs essentially from the other statute in that it is made compulsory upon all employers. In case of injury caused in whole or in part by a necessary risk or danger of the employment or one inherent in the nature thereof, or in case of the failure of the

employer or any of his other employees to exercise due care or to comply with any law affecting such employment, then the employer is made liable to pay compensation at the same rates as are fixed in the other statute already described. This statute, however, still preserves to the employee the privilege of electing whether he will accept compensation under this statute or bring suit at common law for damages. He cannot have both remedies, and the commencement of proceedings to recover damages constitutes a bar to all benefit of compensation under the new act. In like manner the acceptance of compensation or the commencement of proceedings to secure compensation under this act will constitute a bar to recovery at common law. In other respects the provisions of this statute are substantially the same as the act first mentioned. It seems doubtful if the optional method provided by the first New York statute referred to will accomplish any very marked results. I think that a statute of this kind should be compulsory.

A conservative estimate of the probable cost to the employer based upon the rates of compensation therein provided, indicates that it will greatly exceed the average cost at present in litigation and settlements in handling the same number and class of accidents. Hence, an employer in any line of business will naturally hesitate to assume an increased cost of this character when his business rivals are free to disregard entirely the provisions of this statute.

From statistics collected by the New York commission covering fatal industrial accidents in New York City during 1908, and in Erie County during 1907 and 1908, it appears that in 73.1% of all settled cases not more than \$300.00 was paid in each case, while an amount of over \$1,000.00 was paid in only 11.1% of the cases investigated. The average paid in all cases settled without suit was \$551.35. The average amount paid in all cases including those I have mentioned and also those where suit was brought, was \$922.82, and this average was reached because of a few large settlements or large recoveries. It appeared that the average damages recovered in such suits was \$5,028.70, and that the average settlement out of court after suit was brought, was \$1,476.96, showing that substantial payments were made, but these payments covered only 10.8% of all cases.

Thus an employer agreeing to pay compensation under the plan of the optional New York law at the rate of twelve hundred times the daily earnings not exceeding \$3,000.00, voluntarily agrees to pay sums ranging from \$2,400.00 to \$3,000.00 in every case, or about two and one-half times the present average amount paid in all cases. It is manifest that to operate with any degree of fairness such laws must eventually be compulsory and apply to all employers alike. The English compensation act which has been in force several years is compulsory in its character and subjects all employers to its provisions.

In respect to the compulsory plan provided in the second New York statute mentioned, it manifestly does not include all dangerous employments, but the commission which prepared and recommended this act did so upon the ground that "in these six employments of industry there are trade risks so great as to justify the state, in the exercise of its police power, making a new code of law for the distribution of the burden of accidents and putting them in a separate class." The commission suggests that experience may show that other employments should later be added to this classification.

The adoption of these laws by the State of New York will doubtless have great influence upon the course of legislation in other states, particularly if these laws give satisfaction to those affected by them. In this connection it is worthy of comment that since the adoption of the English Compensation Act most cases of personal injury are disposed of without law suits under this act, which has been found to work automatically and to afford prompt and efficient relief to injured workmen.

The proposed Workers' Compensation Code which the Minnesota commission has outlined for discussion applies to all employments in which bodily injuries may occur. In case of immediate death or of death accruing within five years of such injuries, or for injuries causing total incapacity, sixty per cent of the amount of wages the injured person was receiving at the time of the accident will be paid for a period of five years, not exceeding, however, the total amount of \$3,000.00. This is payable in monthly installments like wages. In case of partial disability, the Code provides for the payment of a smaller percentage of such wages, according to a scale stated, provided that the total amount paid in any case for such injuries shall not exceed \$5,000.00. The amounts so awarded are made exempt from garnishment and attachment. The acceptance of such compensation to constitute a release of all claims for damages.

In the bill prepared by the Wisconsin commission there is the additional provision that the county judge (in this state it would be the probate judge) may upon application to him for that purpose determine that such compensation shall be paid in a lump sum. This is intended to cover cases where a family is about to remove from the country, or other emergencies. The scale of compensation in the proposed Wisconsin law differs from the Minnesota plan in that it provides for the payment in case of death or total disability of sixty-five per cent of the annual earnings until a sum equal to three times the annual earnings of the workman shall have been paid, but not less than \$1,000.00 nor more than \$3,000.00.

The Wisconsin bill contains a more summary method of adopting the proposed plan for compensation than the optional law enacted in New York. In Wisconsin the plan is made optional and any employer

may elect to accept and operate under it by notifying the commissioner of labor and industrial statistics on a blank furnished for that purpose. On doing so he is deemed to be bound by the terms of the statute for one year and for subsequent years thereafter unless notice in writing to the contrary is given to the commissioner and posted in his plant and published in local papers at least sixty days prior to the expiration of such annual term. When the employer has accepted the provisions of the act, thereafter every employee as a part of his contract of hiring, is deemed to have likewise accepted the provisions of the act unless he expressly contracts in writing to the contrary at the time of hiring. Employees whose contract of hiring is in force at the time his employer elects to provide compensation under this act, are deemed to have accepted the provisions thereof unless they file notice in writing to the contrary with the employer within thirty days. This, it seems to me, is a much more effective plan than the rather cumbersome provisions of the New York act.

The question of the rate of compensation is naturally one about which there is great difference of opinion, and any law which may be enacted will necessarily be the result of a compromise on this question. The rates proposed by the two bills above mentioned are practically double those in force under the English compensation act, where the total death benefits are limited to not exceeding £300, or approximately \$1,500.00. The benefits allowed under the German system are even smaller. The scale of compensation is, however, a detail which I will not here stop to discuss.

One of the most important questions arising for discussion in the preparation of these bills, is as to whether or not the right to recover damages at common law should be repealed or destroyed by statute in consideration of this provision for compensation, or whether such new legislation should be treated as supplemental to the common law system.

The right to recover damages in case of death was created by statute, and can doubtless be destroyed by repealing or amending such statutes. The right, however, to recover damages for injuries not resulting in death is a common law right which has existed for centuries. In New York this right is recognized in and protected by the state constitution. Most lawyers who have given this subject consideration are inclined to doubt the power of the legislature to destroy this right of action on the principle that it has become a property right. In any event it is probably not advisable to attempt any such result.

It is the contention of some representatives of labor organizations, that the right to sue at common law should be preserved, and that in addition thereto the injured employee, or in case of death his legal representatives, should have the right, in case of failure to recover in

suit at law, also to make claim for compensation under the proposed new law. This extreme view is, however, not universally held by labor leaders.

I attended last month at Chicago the national conference of commissions appointed by the various states already mentioned, who are engaged in drafting proposed bills of this kind, and was interested to note that Mr. John Mitchell, the well-known labor leader, who is now a member of the New York commission, did not hold this view. It was his contention, ably expressed, that while the common law right of action should be preserved, yet that the workman should elect whether to make claim under the common law system for damages or to take the compensation provided under the proposed new code, and should be bound by such election. Mr. Mitchell said that in his opinion the hope of obtaining large damages was a false lure which was injurious to the working man, and usually led to great disappointment, because even in case of recovery there was not after settlement with the plaintiff's attorneys, and the payment of the necessary expense, any such amount remaining as had been expected.

The New York law, which was prepared by the commission of which Mr. Mitchell is a member, follows substantially his views, as the employee is given the option of determining whether he will accept the plan of compensation afforded by the statute or not.

Another important question relates to insurance to cover the payments to be made under such a statute. Otherwise the employer might become insolvent and fail to pay the amounts prescribed. The New York act does not mention this subject, though it contains nothing which would prevent employers from taking out insurance.

The proposed Wisconsin and Minnesota bills expressly provide that these risks may be covered by insurance, though it is not made compulsory.

Under the English Compensation Act, it is said that employers have generally insured these risks as a matter of self protection, though not required by law to do so. Where the statute contemplates payments in installments extending over a term of years, the justice of requiring insurance to cover such risks is manifest.

The desirability of enacting compensation laws has already been suggested in Michigan, notably at a public session of the Senate and House committees of the legislature in 1909, held to discuss the railroad liability act and other proposed bills relating to the question of negligence, where representatives of some of the most important railroads of the state said that they thought laws providing compensation for all injured men constituted the ultimate solution of this question and would be very much better than the laws proposed.

Several large employers of labor in this state have already voluntarily established relief or benefit systems to provide compensation. The United States Steel corporation adopted on April 15th, 1910, a voluntary accident relief plan which provides for the payment of substantial sums. In the case of married men living with their families, who have been in the service of the company five years or less and leave widows, or children under sixteen years of age, the company will pay an amount equal to eighteen months' wages of the deceased employee. For each additional year of service above five years three per cent will be added to this relief. For each child under sixteen years, ten per cent will be added, but in no case will more than \$3,000.00 be paid.

The average wage paid in the iron mines is \$2.60 per day. If we assume that the average employee works three hundred days per year his annual earnings would be \$780.00. The relief fund computed at a year and a half would amount to \$1,170.00. If the family of the deceased included three children under sixteen years of age, thirty per cent would be added to this amount, or \$351.00, making a total of \$1,521.00. In addition thereto the company will pay funeral expenses, not exceeding \$100.00.

In case of injuries resulting in temporary disability, lesser amounts are paid according to a carefully prepared schedule. These payments are made without any reference whatever to the question of negligence or liability, but upon the acceptance of such relief releases are taken by the company.

Recently a trammer was killed at one of the company's mines at Ishpeming; he was a Cornishman under forty years of age who had worked less than four months. Trammers earn less than miners, his wage being \$2.20 per day. His total earnings in the employ of the company amounted to \$215.60. He left a widow and three children, all of whom were under sixteen years of age. This family received the following compensation:

Voluntary accident relief plan, payable in installments	\$1,261.26
Carnegie Relief fund.....	800.00
Death Benefit Club fund.....	300.00
Total	\$2,361.26

This same compensation would have been paid had the deceased worked any lesser period, even down to one day. You are doubtless all familiar with the Carnegie Relief fund established by Mr. Carnegie in 1901 for the benefit of employees of the United States Steel corporation. It consists of the income derived from \$4,000,000.00 of the Carnegie Company bonds. The Club fund referred to is derived entirely from contributions from employees.

If a miner having the same family were killed in the employ of the Cleveland-Cliffs Iron Company, his family would receive the following compensation:

Death Benefit Club fund.....	\$ 500.00
Pension extending over period of five years..	900.00
Total	<u>\$1,400.00</u>

Of this amount one-half of the Club fund, or \$250.00, is derived from contributions from employees, but all of the remainder is paid by the company.

The Calumet & Hecla Mining Company, while having adopted no fixed plan of this character, has followed such a liberal policy in dealing with this class of cases that, while it employs thousands of men, no personal injury suit has been brought against it during the past thirty-four years.

The system of benefit or club funds just referred to is worthy of careful consideration in connection with this subject. It has been generally followed for at least thirty years in the mining districts of the Upper Peninsula, and is now in effect at most of the iron and copper mines.

The companies and their employees both contribute to these benefit funds, the amounts differing somewhat at the different mines. The amount contributed by each workman varies from thirty to fifty cents per month. These funds are used in paying death and disability benefits according to a fixed schedule, the death benefits being usually about \$500.00. Since the adoption of the relief plan above mentioned, the subsidiary companies of the United States Steel corporation do not contribute to these club funds.

Under this plan hundreds of families have received aid, who would not have been entitled to recover anything whatever through the courts. The amounts thus distributed would aggregate a large sum. There has been paid out from these benefit funds in the last five years at the mines of one company, over \$50,000.00, and this company employs less than one-fourth the iron miners; in addition to which must be considered the copper miners, who exceed in number those employed in the iron mines.

This mutual recognition of the responsibility, morally at least, resting upon both employer and employee in respect to accidents, suggests another important matter for consideration. Ought not the employee to contribute to the cost of compensation under such a statute? A large proportion of all accidents are due to carelessness on the part of the employee, and not through any fault of the employer.

The New York commission gave this subject consideration and state in their report that if they could see a practical way to put a scheme of compensation in force in which the employers would contribute about two-thirds and the workmen about one-third they would recommend it. Some of the difficulties which confronted the New York commission in considering this question, such as the lack of familiarity on the part of employees with this plan, do not perhaps exist to the same extent in Michigan. I have already called attention to the custom prevailing in the Upper Peninsula by which employees have generally contributed to club funds for the purpose of paying benefits. Is it not practicable to develop this system of club funds into a broader and more comprehensive scheme which would provide substantial compensation in case of injuries or death. The rate of compensation would of course be fixed by statute and the proportion in which employers and employees should contribute. The amount which each would contribute would necessarily depend upon the number of accidents occurring. Where we now have a so-called club arrangement for a single mine, we might have an association covering all employers in one general industry, or in one particular district. For example, there are now employed in the iron mines of the Upper Peninsula 15,774 men, and in the copper mines 20,834 men, all of whom are engaged in the same general employment, where experience has shown that the risk of accidents is quite similar. Suppose that employers and employees in this whole district should continue the system of joint contributions on some fair basis, and that the laws of Michigan would permit, if the present statutes do not in fact cover such a case, of the organization of a mutual insurance company to administer the fund derived from such joint contributions, and that employers and employees should be alike interested in the management of this company in proportion to their contributions. We would then have a system which would insure the payment to injured employees or their dependents of the largest possible proportion of each dollar contributed.

Such an arrangement would avoid the tremendous economic waste now incident to handling such cases through casualty insurance companies organized for profit, where scarcely more than one-third of each dollar paid in premiums ever reaches the injured man or his family, or through law suits where often one-half of the amount paid is absorbed by legal and court expenses.

If the provisions of the railroad liability act providing that no contract of relief, benefit or indemnity should be regarded as preventing the application of this plan to railroad employees, the law should certainly be amended.

Whether or not this exact plan would be equally desirable in all portions of the state, I will not undertake to say, but the principle of compensation is bound to be recognized. The most casual considera-

tion will convince any thoughtful man that such a system is infinitely better for the employee than the uncertainty of the common law courts, and as I have already pointed out, large employers of labor have already voluntarily adopted this method as the just and the logical way of treating injuries received through industrial accidents, in fact in other states, as well as in Michigan, large employers of labor, such as the International Harvester Company, have already adopted relief plans based on this principle, and we need not fear to legislate along lines already followed by such employers and their thousands of employees.

THE EVOLUTION OF PERSONAL INJURY LAW FROM THE STANDPOINT OF THE EMPLOYEE.

P. H. O'Brien, Laurium.

The mechanical theory of law may now be considered as exploded. Unfortunately there is no fountain of natural justice from which we can quench our thirst for correct legal principles. What is recognized as justice among one people at a given epoch, is at another time or among other people considered injustice. Laws are created by the conditions of social life. Juridical principles are simply the delimitation of interests. Law is, therefore, the expression of the interests of the ruling class in the social organism. I realize fully that there are many different conceptions or theories of law, but it seems to me that the great majority of the deepest thinkers of today consider law, not as an external independent force operating on the aggregation of individuals, but as the product of a struggle between conflicting social interests. I suggest these principles for your consideration, because in the law of employer's liability we find ample confirmation of their correctness. The liability of employers for injuries to their servants in the course of their employment could not have existed and did not exist before the rise of the wage system of industry. The Guilds of the middle ages practically controlled all of the hand working industries. In a fraternal fashion they took care of their sick and injured. In those days workmen owned the tools of production. There was little, if any machinery. This system of production, however, was gradually replaced in the 15th and 16th centuries by the domestic system of production. Under this system an undertaker with capital carried on operations by employing labor to work in their homes. With the application of steam power to machinery the factory system arose about the middle of the 18th century. Large bodies of employees were gradually brought together into huge factories, under the domination of capitalists who owned the tools of production. With the rise of the economic power of the capitalist class in the latter half of the 18th century and the first half of the 19th century we behold a similar growth of their political power, suggesting if not demonstrating that political power is largely a result of economic power. The industrial revolution involved in the rise of capitalism gave birth to its own philosophy. The right of the individual to conduct his business without interference by the state and freedom of

contract were the underlying principles of this system of philosophy so far as it affected man in his social relations. Under this system the state was regarded as the result of a social contract voluntarily formed by free individuals. The formal theory of law was accepted. This theory which considered law as having for its sole task the assigning to each one a certain sphere for the free realization of his will and did not concern itself about the use which the individual might make of his liberty was a reaction against the excessive development of government tutelage. Under this system society was regarded as a simple and mechanical aggregate composed of a certain number of individuals.

We can readily see how easy, under these principles, it was to regard the individual workman, stripped as he was of the tools of production, as equal before the law to his master, who owned and controlled the means of production. The logical result of this conception of law was that the capitalists strenuously opposed all interference with the operation of their factories. The first half of the 19th century was really the utopia of the capitalist system of production. All interference with child labor and all regulations intended to secure the safety of the lives or limbs of employees in factories were strongly opposed. The argument was made against this class of legislation that it interfered with freedom of contract. The doctrine of 'laissez faire'—"Let nature take its course"—Let these legally free employees work where they choose. Let them work under such conditions as they may choose. Let us not interfere with these free and equal contractors. These principles fitted nicely into the capitalistic scheme of the best possible system in the best possible world. The liability of a master to answer in damages to a servant injured in the course of his employment first came up for decision in England in 1837, in the leading case of *Priestly vs. Fowler*, 3 Mess. & W. 1.,. As we would naturally expect, the views expressed by the court were in line with the interests of the predominant class in society. It was laid down in substance, that a master is not responsible for injuries occurring to his servant in the course of his employment, though being a result of it, because a servant is supposed to undertake the duty for which he is paid, subject to all the risks which may occur during its continuance.

Unquestionably this was a very comfortable rule, as far as the owner of the means of production and distribution was concerned. He was not compelled to run the risks with which his servants had to cope. So naturally does the interest of a predominant class in the social structure appear under given conditions that without having the case of *Priestly vs. Fowler* brought to its attention, in the case of *Murray vs. South Carolina Rd. Co.*, decided in 1841, 1 McMull, L. 385, 36 Am. Dec. 268, the court said:

"It is admitted that the servant takes upon himself the ordinary risks of his vocation; why not the extraordinary ones? Neither are within his contract—and I can see no reason for adding this to the already known and acknowledged liability of a carrier, without a single case or precedent to sustain it. The engineer no more represents the company than the plaintiff. Each in his several department represents his principal. The regular movement of the train of cars to its destination is the result of the ordinary performance by each of his several duties. If the fireman neglects his part the engine stands still for want of steam; if the engineer neglect his, everyone runs to riot and disaster."

2 Labatt, Master and Servant, p. 1309.

It was also followed in the next year by the case of *Farwell vs. Boston & W. R. Co.*, 4 Metcalf 49, 48 Am. Dec. 339.

Now, in order to protect the interests of the capitalist class it was necessary to overthrow a general principle of the law established from time immemorial, that the principal is responsible for the negligent act of his agent, whether the act was expressly or impliedly authorized, because within the scope of the agent's employment. In fact the rule went so far that the principal might be responsible even in cases where he had expressly forbidden the act. The reason for this great principle of the law of agency was stated by chief Justice Shaw in the *Farwell* case *supra*, as follows:

"This rule is obviously founded on the great principle of social duty, that every man, in the management of his own affairs, whether by himself or by his agents or servants, shall so conduct them as not to injure another, and if he does not, and another thereby sustains damage, he shall answer for it."

If public policy, which is really the policy of that portion of the public who are economically able to establish their own interests demanded that the servant should have as good a right to recover damages for injuries arising from the neglect of his fellow servant as a stranger, the fellow servant rule would never have arisen. As a matter of fact the rule had to be supported on grounds of expediency. Logically the principal should have been equally liable either to a stranger or to an injured employee, for the negligent act or want of care of one to whom he had intrusted a portion of his business. At the time when the *Farwell* case was decided, however it may be today in a few industries, a particular servant had absolutely nothing to say as to who should be his fellow servant. The master exercised the entire right of selection. It seems to me the case was one for the application of the rule of respondeat superior. On this point, however, the court, without giving any real reason for so holding, says:

"The claim (referring to the claim of the injured servant)

could not be placed on the principle indicated by the maxim *respondeat superior*, which binds the master to indemnify a stranger for the damage caused by the careless, negligent, or unskillful act of his servant in the conduct of his affairs. The claim, therefore, is placed, and must be maintained, if at all, on the ground of contract. As there is no express contract between the parties, applicable to this point, it is placed on the footing of an implied contract of indemnity, arising out of the relation of master and servant.

"The general rule resulting from considerations as well of justice as of policy is, that he who engages in the employment of another for the performance of specified duties and services, for compensation, takes upon himself the natural and ordinary risks and perils incident to the performance of such services, and in legal presumption the compensation is adjusted accordingly. And we are not aware of any principle which should except the perils arising from the carelessness and negligence of those who are in the same employment. These are perils which the servant is as likely to know, and against which he can as effectually guard, as the master. They are perils incident to the service, and which can be as distinctly foreseen and provided for in the rate of compensation as any others."

It requires no argument to uphold the proposition that the fellow servant rule was in the interest of the master class and against the interest of the whole class of servants. By a study of the early cases we find that the fellow servant rule was deducible from two conceptions viz.; that the master does not undertake to answer to each servant for the diligence and skill of the others, and that as the risk of injuries, through the negligence of a fellow servant is one of the perils incident to the employment to which several servants are co-operating it is presumably accepted by each of them.

"The effect of the contract thus implied against the will of the worker was manifestly to create a very important exception to the juristic principle which imposes responsibility for the default of agents. Passages may be quoted from the opinions of judges, in which it seems to be assumed that this result is sufficiently justified by the mere fact of the servant's having entered or remained in the employment with a knowledge of the risks to which he would be exposed from the possibility of the commission of negligent acts by other servants. The position thus taken can scarcely be regarded as a satisfactory one. Even if it be conceded that, in cases where the doctrine summed up in the phrase, '*respondeat superior*' is not a material element in the investigation, the servant's knowledge of a risk is a circumstance which may reasonably be regarded as affording an adequate foundation upon

which to base an unvarying inference of law, a proposition which, since the recent English decisions as to the effect of the maxim, *Volenti non fit injuria* (§377, subd. a, ante), is certainly not beyond the reach of controversy, it is not by any means a necessary conclusion that, in cases where that doctrine is an element to be reckoned with, his knowledge should carry the same consequences. The more reasonable position would seem to be that the justifiability of the deduction thus drawn from the servant's knowledge can be admitted only when it is shown that the logical situation embraces some additional element of sufficient importance to override the effect of that doctrine.

"In some instances the receipt of wages has been adduced as the factor which differentiates the position of a servant who is suing his master from that of a person who is suing a stranger. That this consideration is entirely inadequate as a differentiating factor was, however, shown long ago by an eminent English judge.

"A theory more generally favored is that a contract to accept the risks of a fellow servant's negligence may properly be implied on the ground of expediency and public policy."

2 Labatt, Master and Servant, pp. 1312-1314.

In fact, Mr. Labatt quotes the Farwell case in support of this proposition. As the fellow servant rule was frankly in the interest of the employing classes, it was perfectly natural that when the class of wage workers began to acquire economic and political power, that we should find attacks from various angles upon the two propositions involved in the doctrine of the assumption of the risk and the fellow servant rule. The successful outcome of these attacks depended almost entirely upon the economic strength and power of labor.

The first great body of laborers in this country to assert great economic power, and therefore substantial political influence was the railroad men. As the fellow servant principle became too firmly imbedded in the jurisprudence of the country to the successfully assailed in the courts, the railroad organizations secured the abrogation of the rule by legislation, more or less sweeping in its character. We would naturally expect to see the fellow servant rule first abrogated on railroads. The reason is found in the fact that during shortly after the civil war the railroad brotherhoods began to appear, and they soon developed great social and economic power, particularly in the western states. As a result of this we find the legislatures of such states as Wisconsin, Minnesota, Kansas and Iowa, passing laws abrogating the fellow servant rule as far as the operation of railroads are concerned. These measures of legislation were attacked in the courts on the ground of unconstitutionality, and for the reason that they deprived railroad companies of the equal protection of the laws,

and also that it was a taking of property without due process of law. These statutes were, however, upheld. Various reasons were given by the different courts for upholding the statutes principally based upon the hazardous character of the business of operating a railway, which in the opinion of the courts would justify special legislation, having for its object the protection of its employees as well as the safety of the public.

The business of other corporations is not subject to similar dangers to their employees, and no objection, therefore, can be made to the legislation on the ground of its making an unjust discrimination. *Mo. Pac. Ry. Co. vs. Mackey*, 127 U. S., 205. But, whatever may have been the apparent reason given by the courts for upholding this class of legislation as far as railroads were concerned, the real reason was the economic and social power of the railroad brotherhoods, as well as the growing discontent of the working class with the whole structure of employer's liability.

Some great English writer has said that the railroads are the Achilles heel of capitalism in the United States. The terrific economic power of a general strike on railroads has been more than once exemplified. The necessity was, therefore, early apparent, of careful and fair dealing with this class of skilled employees. It is safe to say therefore, that, while reasons of humanity may have had some weight in determining the question of the constitutionality of these laws in favor of the railroad employees, the economic and material basis of these decisions will not be overlooked by the careful student of legal history.

With the rise of corporations and the development of industry, where larger and ever larger bodies of laborers were brought into working relations with each other in great plants and factories, it was found that the doctrine announced in *Priestly vs. Fowler*, that the workman assumed all of the risks of his injuries would have to be modified.

"In the earliest cases in which the extent of a master's responsibility was investigated, the questions presented were discussed from the standpoint of the servant's assumption of the risks of the employment, and not from that of the master's duty to protect the servant against those risks. The doctrines enunciated under such circumstances were such as naturally tended to emphasize the disabilities of the servant rather than the obligations of the master, and the subsequent evolution of the law has consisted essentially in a process of defining and explaining the qualifications to which the sweeping general rules which were originally laid down are subject."

1 Labatt, *Master and Servant*, p. 3.

It is perhaps fair to state that in *Priestly vs. Fowler*, *supra*, the court did not attempt to deny the master's liability for his own negligence, although there was no positive assertion of his liability in that regard. Neither in *Farwell vs. Boston & W. Ry. Co.* *supra*, was there any positive assertion of liability on the part of the master for his own negligence. It was with some hesitation that the frank and unreserved acceptance of the simple notion that the extent of certain duties on the master's part created an exception of the doctrine of the servant's assumption of the risk.

"In *Seymour vs. Maddox* 16, Q. B., 326, decided in 1851, a chorus singer injured by falling through a hole in the floor of a passage in a theatre, owing to the want of light and fencing, was held unable to recover from the proprietor of the building, the court holding that a declaration setting up these facts showed no cause of action."

There were quite a number of cases even as late as 1861 showing a similar trend of the judicial mind. We thus see that the struggle to fix liability upon the master was met with strenuous resistance all along the line, both in England and in America. As a matter of historical development, therefore, the law of employer's liability must be regarded as being essentially based on the conception of the servants assumption of some risks and his non assumption of others. When we approach the investigation of the liability of an employer at the present time, we will first proceed to inquire as to whether the employer neglected any duty which it owed to the employee. We will consider the question of assumption of the risk on the part of the servant and contributory negligence later. In the early cases, however, the question was whether the case at hand should be an exception to the general rule, that the employee assumed all the ordinary and extraordinary risks of the service.

As far back as 1862, however, the Supreme Court of Michigan admitted that the master is liable where his own personal neglect has directly contributed to the injury or where he has not used ordinary diligence in employing competent servants. The fellow servant rule as first promulgated, would have prevented liability at all in the case of a corporation. It was, therefore, soon found necessary, unless corporations were to escape all liability, to impose an exception to the general rule to the effect that where the nature of the injurious act was incident to the discharge of functions which the master is absolutely bound to perform with reasonable care, whether he undertakes them personally or deposes them to an employee, he would be liable notwithstanding the fact that the act was performed through an employee. In plain language such employee became an agent.

In *Wilson vs. Merry*, decided in 1868, L. R. A. 1, H. L. App., 326, he court said:

"We must look to the functions the party discharges in his position in the organization of the force employed, and of which he forms a constituent part."

As the master was always liable for his own personal negligence, it was easy to reason out an exception to the doctrine that the employee assumed all the risk of the service, to the effect that the master was obliged to provide reasonably safe tools and appliances and to exercise care to provide a reasonably safe place in which to work. The tools, appliances and places to work, which, as we have seen had passed out of the hands of the servant and into the hands of the master or capitalist class. It was naturally urged, therefore, with a good deal of force, that the master should exercise reasonable care to provide safe tools, appliances and places.

The doctrine of respondeat superior was then invoked, after being ignored for a good many years on account of the fellow servant rule, and the non-delegability of these primary duties of the master were announced. The determination of who was a vice principal was made to depend upon the nature and character of the act. The formal adoption of this principle is of comparatively recent date. *Flyke vs. Boston & A. Rd. Co.*, decided in 1873, 53 N. Y., 549.

In *Wright vs. N. Y. Central*, 25 N. Y. 562, decided in 1862, the question of whether the negligence of an agent intrusted with the functions or hiring of a servant, was a vice principal, was apparently viewed as debatable. This rule was adopted by the United States courts in *Hough vs. Texas & Pac. Ry. Co.*, 100 U. S., 213, in 1879, and has been followed ever since. This rule was unquestionably adopted in Michigan, in *VanDusen vs. Letellier* in 78 Mich. 492, in 1889, and has been practically followed ever since.

The rule may be stated as follows:

"The true test, it is believed, whether an employee occupies the position of a fellow servant to another employee, or is the representative of the master, is to be found, not from the grade or rank of the offending or injured servant, but it is to be determined by the character of the act being performed by the offending servant, by which another employee is injured; or, in other words, whether the person whose status is in question is charged with the performance of a duty which properly belongs to the master." *Schroeder vs. Flint & P. M. R. Co.*, (1894), 103 Mich. 213, 29 L. R. A. 321, 61 N. W. 663.

The class of employees made fairly satisfactory progress in recovering damages under this rule, where they were able to escape contributory negligence or where they had no knowledge of the defect or condition causing the injury. The doctrine of safe place was, however, greatly modified by the proposition early laid down, that a

master was not responsible for an injury arising from merely transitory dangers or such as arose during the progress of the work. This rule was foreshadowed in our state in the case of *Hoar vs. Merrit*, 62 Mich., 386, and was laid down as a definite proposition by our own supreme court in the case of *Beesley vs. Wheeler & Co.*, 106 Mich., 196, in 1894. This was a case where the defendant was engaged in the construction of a steel vessel. Artisans of various kinds were employed and the plaintiff was injured by the fall of a defective scaffold, built by the carpenters. The court held that the place where the plaintiff was working was not a permanent place in the sense in which the doctrine of safe place is to apply, and held the case to be clearly within the rule of *Priestly vs. Fowler*. The decision of *Beesley vs. Wheeler & Co.*, was followed in the *Petaja* case, 106 Mich., 463, where a trammer was injured by the failure of the lumber boss to put in timber in the mine, so that the roof came down and injured the trammer.

The rule announced in *Beesley vs. Wheeler & Co.*, and similar cases, has had a far reaching effect and unquestionably is a serious limitation of the rule that a master is obliged to exercise reasonable care to provide a safe place in which to work. In order to reach this conclusion, the court had to say that the place where the plaintiff was working, was not a place at all. The result was that all of the vast body of employees engaged in construction work of various kinds were practically left without any remedy on the ground that the places in which they respectively worked, or thought they occupied, were not places at all. They were merely temporary sojourners there, making a place to work.

We might go on at great length tracing the development of the different legal conceptions that have grown up as a compromise between the general rule, that a servant assumed all of the risks of his service, and the doctrine that the master ought to be liable for his own neglect and the neglect of his agents. In any event, out of the multitude of cases, the common law in most of the states has developed, so that there are certain well established duties upon the part of the master as the duty to exercise reasonable care to furnish reasonably safe instrumentalities, organic and inorganic, which will include, of course, reasonably safe tools, appliances, places to work and materials, and also to provide reasonably careful and competent fellow servants. After a long discussion this duty has been held to be a continuing one, so that the master is bound to maintain reasonably safe and suitable appliances and instrumentalities. This of course involves the duty of inspecting the appliances from time to time and to exercise care to hire co-servants and a reasonable amount of watchfulness over their behavior after they are hired.

Another development of the law of personal injuries in relation

to master and servant is the rule requiring the master to provide reasonably proper rules and a suitable system for the conducting of his work. This applies only to industries sufficiently complex to make such provisions reasonably necessary and no such assumption is made as that rules can be so made as to guard against every contingency. This doctrine was first announced in England in the following language:

"It is established, that a master is responsible in point of law, not only for a defect on his part in providing a good and safe apparatus, but also for his failure to see that the apparatus is properly used." *Burten Wills Coal Co. vs. McGuire*, 1858, 3 Macq. H. L. cases, 310.

And in 1887 the Missouri court held in *Reagan vs. St. Louis, etc., Rd. Co.*, 93 Mo., 348, 16 S. W. 371, that a servant's complaint was not demurrable where the unsafety of the system is alleged as the cause of the injury, and in 1896 it was held that:

"Even though the injuries were caused by a fellow servant's negligence where such unsafety of system is one of the grounds of recovery relied upon, the plaintiff was entitled to recover." *McKillop vs. North Britain R. Co.*, 23 Sc. Sess. cases 44 series 768.

This rule has been invoked as a pretext to get around the fellow servant rule in a great variety of cases. The further formal obligation of the master is the duty to instruct and warn, in case of an abnormal condition of which the employee is excusably ignorant. In the earliest American case in which the master has failed to inform his servant of the existence of a danger was set up, the gravamen of the complaint was a fraudulent misrepresentation as to a material fact. *Perry vs. Marsh* (1854) 25 Ala., 659.

All of the foregoing duties have many modifications and exceptions arising from their application to particular cases. The result in the different cases will be found to depend a great deal upon the strength and influence of the contending parties, whose class interests are involved in the decision. In states like Pennsylvania where large railroad companies and coal companies predominate in the economic life of the state, we find that the decisions from the standpoint of the employee, are very reactionary. In states like Montana and Minnesota, where labor is thoroughly organized and exercises a strong political influence, we find that the decisions are on the whole quite favorable to labor. It is necessary therefore, when citing the case from any state on any point, to know something about the social conditions and legal history of the particular state. In other words, the attitude of the judicial mind will very nearly express the general attitude of the class whose interests are predominant.

Side by side with the imposition of certain duties upon the master,

which grew up as exceptions to the early rule that the servant assumed the risks of the service, there grew up certain defenses. We have already adverted to the fellow servant rule. There is also the assumption of the risk which is now regarded in most of the states as an affirmative defense. In the beginning, as we have seen, it was held to be a part of the employee's contract with his master that he assumed all the risks of his service. As corporations grew more powerful and the individual employee continued to shrink in economic power, the absurdity of this so-called contractual obligation became more and more evident. The defense of assumption of the risk, no matter how applied, invariably must assume that the employee is not only politically but economically free to proceed with or leave his employment, notwithstanding his knowledge of the danger which he has to assume.

It needs no argument at this late day to uphold the proposition that even if it be conceded that the employee is politically free, he certainly is not economically free. The average employee is bound to his job by chains which although intangible, are equally as effective as the chains that held the slaves of ancient Rome or Greece to their allotted tasks. Employees have found out from experience, that if they intend working at all, they cannot quit their jobs on account of known dangers. If a miner, for instance, should quit one mine on account of the existence of such a danger, he would be under the economic necessity of subjecting himself to work for some other corporation where similar dangers would exist.

The employee does not, therefore, as a matter of fact, voluntarily incur dangers of which he has knowledge, either direct or constructive. He incurs those dangers, because of the necessity of making a living and supporting his family.

It seems to me therefore, that any rule of law by which a court is called upon to ignore the most obvious facts and conditions of our social system must be necessarily wrong. The doctrine of assumption of the risk is based upon the maxim "*volenti non fit injuria*." This doctrine was applied, not merely to such risks as were incidental to the service and which, as a matter of fact, did not grow out of the negligence of the master, but it was also applied very early in its inception to dangers which existed by reason of the failure on the part of the master to discharge some non-delegable duty. The doctrine of assumption of the risk in so far as it applies to defects occasioned by the master, is best stated by the court of Mass. in 1873.

"Though it is a part of the implied contract between master and servant (where there is only an implied contract) that the master shall provide suitable instruments for the servant with which to do his work, and a suitable place where, when exercising due care himself, he may perform it with safety, or subject only

to such hazards as are necessarily incident to the business, yet it is in the power of the servant to dispense with this obligation. When he assents, therefore, to occupy the place prepared for him, and incur the dangers to which he will be exposed thereby, having sufficient intelligence and knowledge to enable him to comprehend them, it is not a question whether such place might, with reasonable care, and by reasonable expense, have been made safe. His assent has dispensed with the performance on the part of the master of the duty to make it so. Having consented to serve in the way and manner in which the business was being conducted, he has no proper ground of complaint, even if reasonable precautions have been neglected." *Sullivan vs. India Mfg. Co.*, 113 Mass., 396.

There is no doubt, however, that in the development of the law, the defense of assumption of the risk is becoming more and more unpopular, especially so far as it relates to the assumption by a servant of a danger for which the master is responsible. Under the later cases whether the servant assumed such a risk is usually left to the jury, provided he is able to state that he did not know of its existence. In the early cases, the ability of the servant to know the danger by ordinarily careful observation, was usually conclusively presumed. In the later cases, it will be presumed that the servant did not know, and the burden is upon the master to show that he did know of such danger. The decisions in Michigan are in the very front rank of those decisions which hold that the servant has a right to presume that his safety has been reasonably provided for, and that in general he may use a walk or appliance without first particularly inspecting it, and is not bound to familiarize himself with all the machinery and appliances which he does not use himself. *Cristanelli vs. Saginaw Mining Co.*, 154 Mich., 423.

The defense that the plaintiff contributed to his own injury has existed in the law of negligence from the very earliest day. This defense was also invaluable to the capitalists as a reason for denying liability to their servants on account of injuries. It seems eminently fair at first blush to say that even though the defendant is to blame for failing to discharge some duty to the plaintiff, yet, if plaintiff himself was guilty of negligence which tended to produce the injury or could have avoided the injury by the exercise of ordinary care under the circumstances, that the law will not cast the consequences of this injury upon the defendant, nor will it attempt any apportionment thereof.

While this defense appears to be apparently fair, yet the result was that the entire consequences of an injury, for which both the defendant and the plaintiff were to blame was thrown upon the plaintiff. As the amount of damages in personal injury cases are

largely in the discretion of the jury, a rule could have easily been announced from the very beginning that where an injury occurs, where both the parties are responsible, the jury shall be allowed to apportion the damages. If any such thing there be as natural justice this rule would have been more in accordance with it. The excuse was given by the courts that the law could not apportion the damages between wrong doers. It would have been, however, a very simple proposition to have left the damages in such a case to the discretion of the jury, under proper instructions, advising the jury that the fault of the employee should be taken into consideration in mitigation of damages. On the whole, if we examine the evolution of the law of personal injury in relation to master and servant from the standpoint of the employee, we are compelled to assert that the doctrine of the courts have not advanced with the development of industrial conditions. The main principles of exemption from liability originated at a time when industry was carried on in small shops and the employer and the employee stood in individual relations to each other. Steam and high power machines had not been introduced and the risk of injury was largely in the hands of the workmen. If he were hurt, it was presumably his own fault.

"The courts which considered the early cases were greatly impressed with the injustice of compelling the employer to pay for an accident which grew out of the nature of the work and for which he was not personally responsible, and so laid down general rules that the workman could not recover where the accident was due to the fault of no one in particular, to the fault of a fellow workman, to the fault of the injured, or to the fault of the injured as well as the employer.

"They declared that the workmen assumed the risks of the industry, and that if the employer exercised reasonable care to provide a workman a safe place in which to work and safe tools and materials with which to work, he was devoid of liability.

"The introduction of power machinery and corporate industry since have entirely changed the workman's industrial environment. The domestic shop was a relatively safe place to be; the modern factory is a relatively dangerous one. Today power machinery brings all of the workmen in an establishment into close industrial relations, and an error or the carelessness of a man in one part of an establishment often results in death or injury to those in other parts. Industry has changed; the law has remained the same. Eighteenth century rules of negligence are applied to twentieth century industrial conditions. The workman bears the burden, both physical and financial, of the hazards of modern industry."

It seems to me on the whole that if judicial principles had

developed progressively with the changes in the industrial system, the situation of the employee, as far as personal injuries are concerned would have been much better than under any system of compensation. As a matter of fact, if the decisions of the courts has been more progressive, there would have been no need of remedial legislation, as employers would long since have recognized their liability and have taken measures to adopt adequate systems of compensation. It was not merely in the administration of the substantive law in the courts that the employee has been hampered in obtaining damages. His cases were met with equal hostility as far as the adjective law was concerned. The employee, being the plaintiff, the burden of proof was thrown upon him to prove the negligence of the defendant. In his pleadings he was required to describe with particularity the machinery or appliances, or places or other instrumentalities which occasioned his injuries, and was required to point out the particular grounds on which he claimed the defendant was liable.

The influence of class interest upon the courts in this regard is clearly shown in the distinction between an injury to an employee and an injury to a passenger. Rich stockholders and others largely interested in ownership and management of industries are not required to incur the dangers incident to the various employments. They were, however, accustomed in the transaction of business and for pleasure to ride upon railroad trains. It was very soon recognized in the law of common carriers in most of the states that in case of an injury to a passenger, negligence in the operation of the railroad was presumed. No such presumption, however, was ever indulged in favor of an employee. A rope, a bolt, or a cable might break, but no presumption was indulged that the appliance was defective. Usually he would be compelled to show, notwithstanding the fact that the appliance broke, that it was in a defective condition and that his employer knew it. There was no presumption of negligence of a defective condition to be drawn from the fact of breaking. Neither was there any presumption that the employer knew of the defect, if it in fact existed.

In justice to the Michigan Supreme Court it must be said, however, that the rule of evidence is practically the same as to employees as it is as to passengers. As the evidence was all in the hands of the employer, he being the owner of the tools and machinery of production, one can readily see what a task confronts the average personal injury lawyer in establishing his case, even where he has a good one. Besides the foregoing disadvantages to which the employee seeking damages is subjected, may also be mentioned the danger of variances between his pleadings and his proofs, which involved the necessity of an amendment, which is usually the proximate cause of an application for delay by the defendant. The appli-

cation is almost invariably granted upon the ground of surprise. The utter absurdity of these claims of surprise ought to be apparent to any profession accustomed to looking at things as they are. In a case involving the liability of a master usually all of the witnesses are still in his employment after the injury. The plant or appliance or instrumentality is usually in his possession. Usually there are reports made immediately after the injury, as to how it happened. As a matter of fact, while there can be and doubtless have been honest claims of surprise indulged in by defendants seeking to delay, yet on the whole, it seems that such applications ought to be looked upon with great suspicion. Defendants ought not to be allowed to put the plaintiff to the disadvantage of bringing all his witnesses into court and then on account of some technical variance between the pleading and proof, delay a case until the next term of court.

Lately we have seen a rather wide demand for remedial legislation to provide either for a more stringent liability of the employer or for a system of compensation in case of all injuries happening in the service, without regard to the causes. It must not be supposed that this general trend of thought is without its economic reason. I regard the spread of these ideas as primarily due to the rising tide of working class discontent and the growth of the class conscious feeling among working men. The working classes throughout the world are more united today than they ever were before, both on the economic and political field.

One of the most potent causes of their discontent in America is the inadequate system of laws by which practically the whole burden of injuries is thrown upon their shoulders. In the next few years we can look forward to the passage of a great deal of legislation modifying and abrogating the doctrines of the common law as regards liability. We can look forward to a trend of judicial decisions weakening and modifying in every direction the defense hitherto considered sufficient to defeat cases brought by employees for damages. The working class, however, will not be satisfied with any system of compensation, outlined by the proposed legislation in some of the states. As a matter of fact, nothing less than full compensation for the injury will satisfy the modern working man. Whether this measure of compensation can be paid out of the social product of labor is a mooted question. But any system to be adopted must be something more than pitiful makeshift if modern demands of labor are to be satisfied.

Employer's liability is only one among many of the legal relations existing between the owning class and the producing class, which will be examined de novo as time proceeds. As the cause of labor advances we can look forward to the gradual predominance juridically and otherwise of human rights over the rights of property.

SOME RECENT "SOO" LAW.

Horace M. Oren, Sault Ste. Marie.

As respects Michigan, with its two peninsulas spread across the map like opposite sections of an ornately wrought Gothic Hinge, the pivotal character of the Straits of Mackinac and the Straits of the St. Mary's is not often immediately recognized.

They mark the geographical center of the state; and the Isle of Mackinac, dropped down between the drawbars made by the headlands of St. Ignace and Mackinaw City, links the lower peninsula *caboose* to the upper peninsula *engine*, headed along the course of the greatest path of commerce the world has known toward the center of American Empire, the Great Northwest.

Hardly less povital is Sault Ste. Marie, otherwise the "Soo." And its claims were somewhat bumptiously put forth in a late prize contest, five dollars for the best and a good straw hat for the second best, slogan for the "Soo" that would rival the far famed cry of Detroit where they say "Life is FAST living," and consequently "worth" living. This contest engaged our best talent; and a Soo lawyer, to poetic fame not entirely unknown, suggested the following: "The Soo—SUPERIOR'S GATE—Where Fortune gathers, as Waters wait." The attorney had just received a fee for some water power advice that fired his imagination, and, in his minds' eye, he saw the Goddess of Fortune, in size like the Statue of Liberty in New York Harbor, cloaked with legal cap and gown, hovering over the Soo, casting nets, weaving dams and gathering golden toll from the constricted and hampered waters that there leap from Superior to Huron's level.

But the lawyer didn't get the slogan prize. It was won by the Venerable Arch-Deacon who presides over the devout Episcopalians at the Soo. He proposed the following: "The Soo, The Best City—BY A DAM SITE."

The above somewhat irrelevant introduction indicates that the fortunes of Sault Ste. Marie are, in reality, founded on water, and particularly the water of Lake Superior, which we are pleased to call our mill pond and which flow and fall between our riparian civic boundary and the *filium aquae* of the River St. Mary's. Of course, it

is obvious from all of this and not at all *obiter dicta* that the "SOO" is usually in the swim.

The law of waters, under the strain of the latterly recognized value of water fall sites, the striving for property rights therein, the needs of rational conservation, etc., and the litigation storm centers thereby created, has become tensely vibrant, quite a live legal wire in fact; and with that in mind I believe this State Bar Association may find a statement of the law of waters as applied to the St. Mary's River, and to certain parts and portions thereof, a topic of interest; and I very much doubt whether a single one of you, unless you have had occasion to particularly examine the application of the law of waters in Michigan, has a present appreciation of the variety of cases that have already arisen and been decided with respect to riparian and water rights in the St. Mary's River, and the number, range and transcendent importance of the question in respect thereto apparently still to be decided, either through legislation, agreement or litigation.

First, in regard to the rights appertaining to riparian ownership along this stream.

You all know that the territory along the banks of the St. Mary's River was within the limits of the Virginia Cession of March 1, 1784; and that by the terms thereof, the territory ceded was to be laid out and formed into States, "to be distinct republican states, and admitted members of the Federal Union; having the same rights of sovereignty, freedom and independence as the other states;" and in conformity therewith, when Michigan became a State in 1836, she, to the same extent and degree that the original States held sovereignty over tide water and other streams, became invested with ownership, dominion and sovereignty over the bed and waters of the St. Mary's River, as well as of the contiguous Great Lakes, their connecting rivers and other inland navigable waters; subject, however, to the paramount right of Congress to control their navigation so far as might be necessary for the regulation of commerce with foreign nations and among the States.

The earliest case in Michigan forshadowing the law regarding riparian rights on streams like the St. Mary's River was the case of *La Plaisance Bay Harbor Company vs. City of Monroe*, decided in May, 1843 (*Walker's Chancery* 155). Although neither of the litigants were riparian proprietors, and although the suit was to decide whether the owners of wharf rights in La Plaisance Bay under State grant could prevent their improvements being rendered worthless through the building by defendant, under another State grant, of a canal that would deflect the current of the Raisin River; the Court held that the beds of all meandered streams and navigable waters in Michigan belonged to the State, and that the riparian proprietor had no right to the land covered without express grant.

But this case was not taken as authority in 1860, when one Lorman brought an action of trespass *vi et armis* against one Benson, who refused to remove a boom of logs from opposite his (Lorman's) frontage on the Detroit River, and thus prevented him from cutting ice. Thereupon Judge Campbell, in an elaborate opinion, held that the common law principle, that the soil under tideless navigable rivers to the thread of the stream is in the owners of the adjacent bank, prevailed in Michigan and was applicable to the Detroit River.

The rule thus announced as to the Detroit River was applied to the St. Mary's River in 1869 in the case of *Ryan vs. Brown* (18 Michigan 196.) Brown was the Superintendent of the old State Docks at the Sault, and undertook to dredge out a dock that extended from Ryan's property, which fronted the river just below the entrance to the locks. Ryan was granted an injunction, for the reason that his ownership was held to extend to the thread of the stream.

Later and in 1891 the same rule of law was applied to the St. Clair River, (*Harrington v. Port Huron*, 86 Michigan 49.)

It is interesting to note, as respects the boundary rivers connecting the Great Lakes, that, while riparian ownership to the thread of the stream was thus recognized as to these Michigan rivers, as to the two New York boundary rivers, the St. Lawrence and the Niagara, private ownership was held to end at the shore, and title to the beds and to the incidental benefits from the water therein were held to belong solely to the State, limited only by the authority of the Federal Government in the interests of commerce and navigation.

In 1896 a certain amount of doubt as to the authority of the three Michigan cases above cited relating to the Detroit, St. Clair and St. Mary's Rivers, was created by the decision of our Supreme Court in the case of *People v. Silberwood* (110 Michigan 103.) This was a case brought to test the validity of an act of the Legislature to set aside certain submerged lands in Lake Erie and the Detroit River for public shooting grounds. The respondent was arrested for cutting rushes on submerged lands adjacent to the property of the Monroe Marsh Company, the latter being riparian owner and claiming to own the submerged land appurtenant to its frontage to the center of Lake Erie, subject to the rights of navigation, etc. The authority of the *La Plaisance* case was invoked by the attorney for the State, and it was held that that case had correctly interpreted the law relative to riparian ownership on the Great Lakes, but not as to the connecting rivers.

But since the Silberwood decision there have been several cases that have arisen as to riparian ownership on the St. Mary's River, but none, so far as I have observed, in reference to the Detroit or St. Clair Rivers; and these St. Mary's decision have indicated that

the law as to these connecting rivers is not always to be applied as in the cases of *Lorman v. Benson* and *Ryan v. Brown*.

The case of *Scranton v. Wheeler* (113 Michigan 565) is the first to which I would call your attention. Scranton was the owner of a parcel of land fronting on the St. Mary's River just above the rapids, and before he had erected a dock or entered upon the improvement of his subaqueous frontage, the government constructed a pier in front of his property, being one of the approaches to the United States Lock at Sault Ste. Marie. Scranton sued the Superintendent of the locks in ejectment. In the litigation, on the authority of the case of *Ryan v. Brown* and the other cases referred to, counsel for the United States conceded that Scranton, as riparian proprietor, owned to the bed of the stream but asserted the paramount authority of the Government to enter upon any portion of this stream bed for the purpose of constructing works in the aid of navigation without compensation to the owner.

In view of subsequent decisions relative to riparian ownership on the St. Mary's River, I am inclined to believe that the admission of the Government, that riparian ownership extends to the bed of the stream at this particular point, was ill advised and my reasons are as follows: About two months before the *Scranton-Wheeler* case was decided by our Supreme Court, a decision was rendered in the case of *Sherwood v. Commissioner of the State Land Office* (113 Michigan 227), to the effect that Sweet's Island, a small unsurveyed island lying contiguous to and about six hundred feet distant from the mainland, from two to three miles north of De Tour, in what was commonly denominated as a part of the St. Mary's River, did not appertain to the shore ownership. The title of this island was in the State and application was made by Sherwood to the State Land Office for entry and the execution of a conveyance. The Commissioner took the view that the island had already been conveyed by patent of the adjacent shore; but the Court held that the island was within the body of water known as Lake Huron and not in the St. Mary's River, and that the rule that unsurveyed islands passed to the riparian proprietors had no application. It was the lake and not the river rule that was to be applied.

Above the rapids and at the point where the Scranton land abutted, is a body of water some six or seven miles in length and from two to three miles in width with irregular shore line and with water practically at Lake Superior's level. This narrows very suddenly and with a goose-neck turn opens out into Lake Superior proper, and it is a question of speculation and doubt as to whether the St. Mary's River really commences other than at the head of the rapids, and as to whether all above that point is not, in reality, as much a part of Lake Superior as the portion of the river passed upon

in the Sherwood case is, as was decided to be, a part of Lake Huron.

In fact, since the decision in the Sherwood case, the difficulty of lawyers called upon to advise regarding riparian rights in the St. Mary's River, has been as to what and where that river really is. Unlike the Detroit and St. Clair, it is not a continuous river but is rather a combination of lakes, intervening passages, channels, possessing features of irregularity that would render the ordinary application of the rule extending riparian ownership to the thread of the stream a hopeless tangle. Only at one point, and then for a distance of but a few miles, is the St. Mary's united in a single channel. Two miles below the rapids at the Soo it is divided into two channels, the old channel so-called and the new or Hay Lake Channel and these are divided and sub-divided by islands, great and small, into hundreds of passage ways, navigable and non-navigable, and the whole body of water finds its way to Lake Huron through these channels and through minor lakes, some of very considerable extent, such as Hay Lake, Mud Lake, Little and Big Lake George, Monoskong Bay, etc.

Last year our Supreme Court had another opportunity to pass upon the question, not as to what is, but as to what is not the St. Mary's River. In December last, in the case of Ainsworth v. Monoskong Hunting and Fishing Club (159 Michigan 61), the Court held that Monoskong Bay, which is some twenty-five miles up the river from DeTour, is not a part of this river and that the doctrine of the ownership to the bed of the stream does not there apply. I cannot do better than to give a short extract from the opinion of Hon. Joseph H. Steere, our Circuit Judge, who first tried the Monoskong Bay case. His opinion is published as an addenda on the opinion of the Supreme Court and is a most interesting statement of the situation relative to the St. Mary's River. He says:

"Along this waterway, according to the point of observation, are found straits, lakes, rivers and rapids, well defined and free from any doubt when considered individually. Conflicting property interests have brought the matter before our courts from time to time, and it is now settled that a part of this connecting waters constitute a river, giving to the shore owner all the riparian rights that name implies in Michigan. * * * It has been held in our Supreme Court in *Sherwood v. Commissioner of the State Land Office* (113 Michigan 237) that the river does not extend to Detour Passage and that Sweet's Island, lying above the passage, is in a part of Lake Huron. But the question of how near the two Great Lakes, Superior and Huron, approach each other, and where the St. Mary's River begins and ends, is yet undecided. It seems to have become a custom, though not universal, not only among sailors and others who have occasion

to refer to them, but also government officials, on their charts and in their official reports, to designate the various parts of these connecting waters by their specific names when referring to any particular place, as Detour Passage, Mud Lake, Hay Lake, Lake George, the East, West and Middle Neebish, the Falls of St. Mary, Waiska Bay, etc., and to refer to all the sheltered and connecting waters between Detour and Point Iroquois, collectively, as the "St. Mary's River."

The Supreme Court, in passing upon this case, states that cases involving title to lands from the rapids at Sault Ste. Marie to the foot of the Neebish Rapids are not controlling and, in effect, throw no light upon the character of the waters below the Neebish Rapids. And it was held, as respects the waters below the Neebish Rapids, which included Monoskong Bay, that they were virtually and in effect a part of Lake Huron and were controlled, as respects riparian rights, by the case of *People v. Silberwood*.

So much for the general doctrine of riparian rights as applied in the River St. Mary's. Little value would attach to private ownership *ad filum aquae* were it not for the fact that for the distance of about a mile the entire flow of the river is constricted within banks not over one-half a mile apart, and in that distance has a fall of approximately nineteen feet. Within the last few years the flow of water of the St. Mary's Rapids, its fluctuations, etc., have been accurately measured and, in connection with the fall, has been reduced to terms of possible water power development. The average discharge of the river at the rapids is about 70,000 cubic feet per second, and after reserving about 4,000 cubic feet per second for water necessary for the operation of the Government Locks, and which cannot be utilized for power generation for commercial use, the total average possibility of power development, under natural conditions and without additional diverting channels, has been estimated to be about 90,000 horse power. By reason of the location of the International Boundary Line, about two-thirds of the flow, and consequently, two-thirds of the possible power development appertains to the bed of the rapids within Michigan territory.

This power asset of the St. Mary's Rapids is very much less than originally supposed, and vastly less than that of the Niagara River, but even as thus limited, with the appreciation of water power site values, has been estimated as having a commercial value of several million dollars.

Primarily, the right to utilize this flow and fall belonged to the State of Michigan and such would have continued had the doctrine of the *La Plaisance* case been followed consistently by the Supreme Court, and had they not diverged therefrom as they did in the cases of *Lorman v. Benson*, *Ryan v. Brown* and other cases referred to,

extending to riparian proprietors title to the thread of the stream; but these later cases established a rule of property under which private rights became vested and could not be disregarded.

Relative to the actual development of water power at Sault Ste. Marie, it was evidently the thought of the pioneer projectors that commercial development could not be advantageously made in the rapids themselves, but only through a diverting canal. This was before the days of the improved turbine and the possibility of electrical generation and transmission from small central plants was dreamed of; it was when mill pond, water wheel and manufacturing plant using the power had to be adjacent and required large grounds, deemed impossible of location in the rapids. As I recollect, it was in the seventies, while title to the entire Michigan shore of the rapids was held by the United States, and before any part thereof had been reduced to private ownership, whereby the State of Michigan was barred from changing the rule of property as to riparian ownership at this particular point and thus reserving to itself, as already belonged to New York, the right to conserve and completely control power development at this point, that certain capitalists acquired what they supposed were key properties for a water power canal at Sault Ste. Marie. One block was on the bay above the rapids, designed for canal entrance, and the other was a large tract on the river about two miles below, suitable for mill pond, penstocks and power using establishments. With the two parcels connected, all property rights necessary for a complete water power canal were in hand, save only permission from the State to divert water from Lake Superior or the St. Marys River into their proposed artificial canal.

But before State legislation was obtained authorizing a diversion, which might have changed the rule of property rights referred to, something over 3,000 feet of this rapids frontage at its upper end was secured from the United States by entry under Porterfield Scrip. This purchase from the United States reduced to private possession fully one-half of the rapids frontage and carried title from the shore to the International Boundary Line and created a title and property right which the State of Michigan could not impair by laws permitting diversions from the river above the rapids. This location by Porterfield Scrip had to run the gauntlet of the United States Land Office, the Department of the Interior, and, finally, the Courts, and only two years ago it was held by the United States Supreme Court, in the case of *United States v. Chandler-Dunbar Company* (209 U. S. 447) that by virtue of the Michigan rule of property announced in *Lorman v. Benson*, *Ryan v. Brown*, etc., the Chandler-Dunbar Company owned to the International Boundary Line the subaqueous land, intervening islands and all the benefits of the use of the flow and fall of the water thereover.

In the meantime the projectors of a diversion water power canal,

who controlled, as they thought, the key properties for the building of a canal around the rapids, secured legislation at Lansing which was undoubtedly thought to cover the situation. I refer to Public Act No. 39 of the Public Acts for 1883, which provides for the organization of water power companies, given authority, among other things,

"to divert into any canal, excavated or constructed under the provisions of this Act, waters from Lake Superior or the St. Mary's River * * * subject to the consent of the Board of Supervisors of the proper County in which said waters so diverted are situated."

In successorship to the original owners of the key properties above referred to, in or about 1887 a company was organized under this act, known as the St. Mary's Falls Water Power Company. It secured title to the intermediate properties between these key properties and entered upon the construction of a canal fully two miles in length. Before completion of the work it failed and its properties, through mortgage foreclosure, etc., passed to a new company organized under the same act, viz: the Michigan Lake Superior Power Company. The latter discarded the original plans, shortened the canal by fully half a mile and built the monumental power house and dam combined, that all persons passing Sault Ste. Marie by boat note with interest, hardly half a mile below the foot of the rapids. An immense amount of money was expended upon the project, and at the time of its construction it was probably one of the most notable water power development projects up to that time ventured upon in the United States.

But before the opening of its canal, the Chandler-Dunbar Company, the rapids enterprise, which was itself engaged in water power development projects in the rapids and which claimed, by virtue of its riparian ownership to the International Boundary, the right to receive from the river above the undiminished flow of the stream according to nature and without impairment through diversions made by riparian owners up the stream, applied for a permanent injunction to prevent the Michigan Lake Superior Power Company from curtailing or using the water supply that by nature flowed over its property, except on terms of compensation, etc.

The questions raised in this suit have never been tried and probably never will be, for the reasons which I will hereafter refer to. But as the matter has appeared to me, I have, in a measure, doubted the applicability of the common law rule of right of a riparian owner to unimpaired natural flow, etc., except in case of rivers. As I have already stated, the canal of the Michigan Lake Superior Power Company starts from a bay above the rapids, from one of the connecting lakes that are linked together by rivers, channels, etc., and

as a whole, are called the "St. Mary's River." This lake or body of water above the rapids is practically at Lake Superior's level and as I have already asserted, can be as plausibly called Lake Superior as Detour entrance can be called Lake Huron. And I believe it might be very persuasively contended that it was no infringement upon the property rights of the riparian owner at the rapids of the St. Mary's River to divert from the great body of Lake Superior whatever amount of water and for whatever purposes the State of Michigan might sanction. The question and the arguments pro and con that might be adduced on both sides of this proposition, I think from my brief statement you can very readily appreciate.

The controversies between the two water power companies at Sault Ste. Marie is a history in itself, but with little of interest to this Bar Association outside of the sole legal questions just referred to. Each company claims the State of Michigan as its sovereign, through whose laws they are entitled to turn their turbines with the waters of Lake Superior as they pass and fall; and "surely," thought they, "with Lake Superior as our mill pond and with Michigan as the lawful grantor of our rights and titles, there is enough, yea, more than enough to raise at Superior's Gate the greatest power producing center in the world, save only Niagara."

There was, at the outset, perfect amity between these two Michigan power companies, until suddenly they were brought to a realization that there was another sovereignty to be dealt with, which, while it had no title to the bed of St. Mary's River nor to the waters therein, as did the State, yet had paramount authority therein and therewith so far as was necessary to preserve and augment the usefulness of the river for commerce and navigation, national and international.

The natural geographic features that present at Sault Ste. Marie the apparent opportunity for a transcendent water power development are obstructions to and barriers against navigation. While we would ordinarily suppose that the removal of the barriers by the construction of canals and locks around these rapids would intrench upon water power possibilities at the rapids but slightly, and that navigation interests would not be seriously affected by power development either in the rapids or through a diverting canal by private investors under State grant, yet, under the facts as they were, for the United States officials not to have made timely assertion of United States authority over these water power projects would most likely have been fraught with more disastrous results than the mere embroiling of these two water power companies by causing it to appear possible, if not probable, that under United States restrictions, power development at Sault Ste. Marie would not immediately and possibly never be permitted beyond that appertaining to the natural conditions at the

rapids; and which meant, under the measurements of the rapids flow above referred to, that the limit of permitted development would be only about that which the Michigan Lake Superior Power Company designed making. The Chandler-Dunbar Company at once asserted that if that was all the development possible at Sault Ste Marie, it all belonged to them by the rule of property sanctioned under Michigan law, and hence the very prompt assertion of their claim of rights through the injunction suit above referred to.

There is a very fine legal question involved in the several assertions of authority on the part of the officials and engineers of the War Department of the United States in practical restraint of water power development at Sault Ste. Marie. It is, in final analysis, merely another of those questions of transcendent importance so frequently arising in which it must be determined where end the governmental powers reserved to the State and where begin those granted to the Federal Government under the Commerce Clause of the United States Constitution.

The War Department of the United States has required the Chandler-Dunbar Company to obtain licenses, or rather, to accept revokable permits before it was allowed to make dams or water power constructions on its own land in the bed of the rapids; and it has insisted upon its right so to do, despite the fact that the rapids are not navigable and that the effect of these dams or structures would not appreciably change conditions in the navigable parts of the river or lakes above or below.

As respect the other company, Congress in the General River and Harbor Bill of 1902 enacted that the Michigan Lake Superior Power Company should be authorized to divert water into its water power canal then under construction only under certain conditions, of which the following are the more important, viz:

First, it was required to obtain consent of the Secretary of War and Chief of Engineers, the approval of its canal, etc., which consent was effective only so long as such canal and diversion of water should not injuriously affect navigation nor impair or diminish the water levels or any natural increase thereof either in Lake Superior or in the United States Ship Canal and Locks or the navigable channels, locks or ship canals connected therewith, whether natural or artificial, then existing or thereafter to be established or created by the United States for navigation purposes; and

Second, it was required that the Michigan Company should establish, maintain and operate suitable and sufficient remedial and controlling works in the rapids of the St. Mary's River, subject to the approval of the Secretary of War and Chief of Engineers.

Under the above legislation, on December 12, 1902, the then

Secretary of War approved the plans of the Michigan Lake Superior Power Company and gave consent to the diversion of the water from the St. Mary's River into its canal under conditions, among which was the following:

"When the mean level of Lake Superior at the canal for any calendar month falls below 601.5 feet above mean tide at New York, according to the levels of the United States Lake Survey, the flow through the canal shall be reduced, the amount of the reduction increasing as the monthly mean level falls until it reaches 601, when all flow shall be stopped until the monthly mean level again reaches 601, all without claim against the United States."

Under the operation of this condition, the Michigan Company's canal has had its water supply partially and completely shut off for several successive years for from two and three months at a time during periods of low water on Lake Superior.

These assertions of authority upon the part of the United States in limitation and restriction of the utilization of the flow and fall in the waters of the St. Mary's River for water power purposes under authoritative State Grant, has not as yet been challenged; although I believe the bare statement of the facts that I have referred to, coupled with the following, made under good engineering authority, viz; that without infringement upon the interests of navigation, but to the end of securing almost absolute stability in the levels in Lake Superior, as well as measurable regulation of the levels below, the outflow from Lake Superior could be very much increased by additional diversion canals and the whole could be more completely regulated by the gigantic throttle that would be afforded by a series of canal gates and a complete international dam in the rapids, set with sluices and movable gates, by the operation of all of which the flow could be completely shut off or could be opened to the fullest extent, and that all this could be done concurrently with the utilization of the major portion of the natural and this entire increased flow, if you please, for water power development; this statement, I say, leads to the conclusion that a colossal invasion of State Rights or of property rights granted under State authority has been and is going on with respect to the St. Mary's River and water power rights therein, in which Michigan interests are getting decidedly the worst of it.

In making this assertion, I do not wish to be understood as voicing a criticism upon Congress or the War Department officials or upon the general policy of the general government of enforcing absolute subordination of all interests in and about the rapids of the St. Mary's River to the paramount authority of Congress in the interest of commerce and navigation.

The water power fiasco at Sault Ste. Marie—for compared with promises and expectations, such it has been up to date—is attributable, in my judgment, to the conflict of sovereignties which extends to a greater or lesser degree with respect to the entire Great Lakes system and whereby, as respects the St. Mary's River, the rights and authority of the sovereignty of the State of Michigan have been particularly intrenched upon and invaded.

But regardless of what the law actually is and brushing aside for the moment the authorities that have said that title to the bed and waters of the Great Lakes and their connecting straits and rivers is in the bordering states, subject only to control by Congress in the interest of commerce between the States and foreign nations, this fact stands indisputable; viz: that these are essentially National waters—international in fact—and not at all local or State; and that authority thereover should appertain to the Nation rather than to the State.

While our government, State, and Nation, is a union only through division and assignment of governmental functions to the State and Nation respectively and their exercises concurrently, yet where there cannot be actual concurrence, where one sovereignty must in a measure yield to the other, in such cases good governmental policy lies rather in the direction of a withdrawal of sovereignty from one or the other to the extent necessary to avoid conflict.

And so I say with respect to the Great Lakes, the St. Mary's River and the other connecting and boundary rivers, that their beds and their waters should not be held as belonging to the bordering States, but rather as a possession of the Nation and the authority of the latter should be so complete that all private rights in these waters, such as fisheries, permits to develop water power from flow and fall of the connecting rivers, etc., should emanate from Congress or proper Federal authority and not from the States. Harmony instead of conflict would result therefrom and concurrent use of the St. Mary's River for navigation and for water power development would be possible under one sovereign power where it would be practically impossible with sovereignty divided and, in a measure, in conflict, as conditions have existed up to the present.

But the question I have thus indicated is not one of law, but of governmental policy, and will not be pursued other than to make this quite interesting statement: that as respects the rapids of the St. Mary's River, Congress, by Act approved March 3, 1909, declared:

"That the ownership in fee simple absolute by the United States of all lands and property of every kind and description north of the present St. Mary's Falls Ship Canal throughout its entire length and lying between said Ship Canal and the International Boundary Line at Sault Ste. Marie, in the State of

Michigan, is necessary for the purposes of navigation of said waters and the waters connected therewith."

And authorized the immediate institution of condemnation proceedings preliminary to an actual taking possession thereof by the United States.

The Act also contains the following important provisions:

"The right to the flow of water, and riparian, water power, and other rights, now or hereafter owned by the United States, in the Saint Mary's River in Michigan, shall be forever conserved for the benefit of the Government of the United States, primarily for the purposes of navigation and incidentally for the purpose of having the water power developed, either for the direct use of the United States, or by lease or other agreement, through the Secretary of War, who is hereby authorized to make such leases or agreements: **Provided**, that a just and reasonable compensation shall be paid for the use of all waters or water power now or hereafter owned in said Saint Mary's River by the United States, whether utilized in said river or in any lateral canal, said compensation to be fixed by the Secretary of War: **Provided further**, that under no circumstances shall any rights be granted in said river which will interfere with the uses and needs of navigation, or which will limit the absolute control of said land and waters when desired for navigation by the United States, or for a longer period than thirty years, and the Secretary of War, in his discretion, may provide for readjustment of compensation at periods of ten years, nor shall any such rights be granted without just and adequate compensation. It is intended that any excess of water in the Saint Mary's River at Sault Ste. Marie over and above the amount now or hereafter required for the uses of navigation shall be leased for power purposes by the Secretary of war upon such terms and conditions as shall be best calculated in his judgment to insure the development thereof. The Secretary of War may, as often as necessary, make such regulations as in his judgment are reasonable and just and best calculated to carry out the purposes of this section."

The question I have heard most mooted regarding the operation of this recent law is whether the United States now has or can acquire through this proposed condemnation any right to the flow of water in the St. Mary's River or any riparian ownership that will carry with it title to the bed of the stream with incidental water power and other rights. I have never heard it contended that, although there is present federal riparian ownership along the lower half of the rapids, the State of Michigan had either yielded or conceded to the United States title in the rapids thus abutting; and I have heard it asserted that when the United States condemns the riparian lands

along the upper half of the rapids, immediately upon divestment of the present private riparian proprietorship, title to the bed of the rapids opposite will revert to the State of Michigan. In other words, it is contended what would ordinarily seem to be obvious, that the United States cannot, through exercise of the right of Eminent Domain, infringe upon the sovereign authority of the State or effect the fundamental distribution of governmental powers implied in the conditions of the Virginia Cession.

My own views in regard to the question just mooted may hardly be worth expressing, and they certainly bind no one, not even myself, but they may have an interest and hence I express them.

First, I believe that if by operation of Michigan law, title to any part of the bed of the St. Mary's River can be vested in private ownership, the title thus alienated by the State can be acquired by the United States by purchase or condemnation and utilized to the same extent permissible to the private owner under State law, and that no infringement upon State sovereignty would be involved in condemnation thereof.

Second, if it is advisable that sole jurisdiction over the bed of the rapids of the St. Mary's and the flow of water from Lake Superior be vested in the United States, I know of no constitutional inhibition that would prevent Michigan, by special legislative act, ceding or relinquishing its jurisdiction or authority thereover to the Federal Government. Analogous legislation will be found in respect to State relinquishment of authority over military posts, federal prisons, the lands of the United States Ship Canal at Sault Ste. Marie, etc., etc. I think the principle of such legislation is well recognized.

If my views in this matter happen to be correct it indicates the proper method for settlement, for final and just settlement of the water power affairs at Sault Ste. Marie.

First. Condemnation by the United States of all private interests in the rapids is absolutely essential; second, relinquishment by the State to the United States of all remaining State title or jurisdiction in the rapids and the flow from Lake Superior should follow; and third, under sole United States jurisdiction, a water power development according to the spirit and tenor of the condemnation act above referred to will ensue that will be one of the best in the world.

With such an outcome, my mind's eye takes in the real prophetic feature of that slogan proposed by our Soo Doctor of Divinity who won the straw hat, and I see "The 'Soo'—under the sole jurisdiction of the United States of America, the Best, the Biggest, the Most Prosperous City in the Upper Peninsula of Michigan, with its own Chase S. Osborn for Governor, By a Great Big Dam Site."

CORPORATION LEGISLATION.

Burritt Hamilton, Battle Creek.

Some years ago—how many years I do not care to specify—the average citizen who went to the legislature carried with him his pass and his prejudices. With purest motives—and his ear to the ground—he regarded hostility toward corporations as an evidence of virtue. Although fair-minded in most things, he did not resist the tendency of his times—he judged all corporations **by the known transgressions of the criminal few.**

Seeking shadows, he denied sunlight. He overlooked the fact that the church where he worshipped, the lodge where he “belonged,” the bank where he deposited the princely compensation paid him by the commonwealth, the factories that kept astir the hum of industry in his home community were corporations, of which some of his most trusted friends were the faithful, law-abiding officers. He looked upon all corporations as necessary evils—as potential, if not actual, malefactors to be curbed and repressed with a hand of iron. It is not surprising that corporation legislation, even at this late day, to some extent reflects his mental attitude.

Holding, as we do, that it is one of the high duties of the bar to correct popular misconceptions concerning our institutions, let us see if we cannot deduce from observation and experience a few helpful general principles applicable to the subject before us.

Corporation legislation should be framed and judged in the light of the character and fundamental objects of the institution to which it applies. Every legislator, and every lawyer, should have before his mental vision a faithful portrait of **the corporation as it is.**

Accepted definitions afford us little aid. Knowledge that “a corporation is an artificial being, invisible, intangible, existing only in contemplation of law” is ornamental, but inadequate. Familiarity with the time-honored list of corporate attributes misleads rather than guides. Today the most important characteristic of the corporation is not its immortality, nor its special privileges, nor the immunity of its members from liabilities. All of these things are mere incidents; all of them may be modified or wholly withheld without destroying the corporation as an institution. Indeed, under the Michigan policy, corporate life may be said to be limited to one score years and ten;

special privileges exist only in modified form; our constitution imposes a measure of individual liability upon every stockholder. The corporate concept has undergone evolution. It is a far cry back to the point of departure, where charters reflected the special favor of kings.

Speaking practically, not technically, the modern corporation is an authorized concentration of the effort, ability and property of natural persons into a legal unit for the purpose of united endeavor. The basic principle of the modern corporation is **team work**. The educational corporation stands for educational team work; the charitable corporation stands for charitable team work; the religious corporation stands for religious team work; the commercial corporation stands for commercial team work; the industrial corporation stands for industrial team work. As a medium of co-operation, the corporation is the foremost servant of our civilization.

By what general standards then shall we criticise our own work, and the work of others, in the formulation of corporation legislation? I suggest the **team work test**. Any legislation which unnecessarily interferes with corporate team work is, I believe, defective upon principle. Upon this theory I submit the following correlated propositions:

First.—Statutes imposing observances, the expense, difficulty or annoyance of which, to the corporation, exceeds the value of any possible public benefit flowing therefrom are objectionable.

Second.—Statutes interfering with matters of purely corporate policy in which the state and the whole body of its people have no interest are objectionable.

Third.—Statutes substituting legislative discretion for corporate discretion in matters unrelated to the public welfare are objectionable.

Any statute out of harmony with these principles is, I believe, a fit subject for amendment or repeal.

As an illustration of the undue imposition of observances, I cite those statutes which require public, annual reports to state the name, address and stock holdings of each stockholder. The avowed purpose of this requirement is, that claimants who seek to enforce the individual liability of stockholders may be informed whom to sue. It can hardly be claimed that reports made at intervals of a year, concerning stock legally transferrable by indorsement and delivery without registry, afford very reliable information upon which to found a law suit. Though made in the best of good faith, the report can do no more than to show stock holdings of which the company has record or notice; and, because effective, **bona fide** transfers frequently go unregistered, the showing, though prepared with the utmost pains, is as likely to mislead as to assist claimants. Hence, no public interest is served,

even if we admit the doubtful proposition, that the private liabilities of stockholders are a matter of public concern. On the other hand, at useless expense to the company, purely private interests are exposed to the scrutiny of the curious and the designing. The individual right to law-abiding privacy is invaded, and, to that extent, corporate investment—team work—is impaired.

As typical of the class of statutes interfering with matters of purely corporate policy (as distinguished from matters involving considerations of public policy) I mention such provisions as the following:

(a) A statutory maximum limit upon the number of members to constitute the managing board. It is nothing to the state whether a company shall have three, or thirty directors.

(b) Statutory regulation of the par value of shares. The organizers who are to buy and sell the shares are the best judges of this in each instance. The state is not interested.

(c) Statutory restrictions upon the usual and ordinary contractual powers of corporate officers. As aptly illustrated by the familiar Michigan case of *Citizens' Savings Bank vs. Vaughan* (115 Michigan 156) such restrictions are against public, as well as corporate interest. Discovery that a contract, within the apparent and usual powers of corporation officers, is avoided by some lurking statutory eccentricity does not contribute materially to public respect for man-made law. The legislature has no business to dig pits under the contractual highway.

As to the substitution of legislative discretion for corporate discretion in matters not related to the public welfare, we are safe in saying this: that canned legislative wisdom, put up to meet unknown, future corporate needs of unconceived companies, cannot be expected to be as good as the fresh thought of the corporators, gathered when needed to meet the case in hand.

Prefatory to consideration of a concrete instance of this class of legislative error, let us recall how frequently it happens that the owner of an unexploited property, or the proprietor of a growing business desires capital. To obtain it he must make an attractive offering. Preferred stock entitled to priority in dividends and distributive assets has been devised to meet this necessity. When unembarrassed by legislation the preference may be such as the interested parties agree upon in view of the need and the hazard. The creation of preference shares is purely a matter of internal corporate policy. The state is not interested.

Turn now, if you please, to the enabling act (Act 232 of 1903) under which a majority of Michigan business corporations are con-

strained to organize. Not content to permit the team work between projector and capitalist to go unhampered—not content to permit the terms of preferred stock to be fixed by the natural law of the need and the hazard—the legislature has arbitrarily substituted its discretion for that of the corporate body by providing that preference shares, under this act, shall in all cases bear cumulative dividends not exceeding eight per cent per annum, and shall in all cases be retireable at par.

Why eight per cent? Why retireable at par? Corporations may be organized under this act for hundreds of different purposes and each individual corporation carries with it its own peculiar and differing degree of hazard. How did the legislature discover that preference stock in all these hundreds of kinds of enterprises never should bear dividends exceeding by more than one per cent the contract rate authorized upon the best commercial paper and the safest real estate mortgages? Why should the preference dividend be invariably **cumulative**, regardless of the character of the enterprise, the convenience of the payer and the desires of the payee? Upon what equitable principle should preferred stock be made in all instances retireable at par, without regard to the value of the corporate assets? The fact is that, by substituting a sweeping legislative discretion in the stead of a nicely adjusted corporate discretion in this matter of purely corporate policy, the legislature has made **the best preferred stock that may be issued under this act** generally insufficient to attract capital. A barrier has been erected between projector and capitalist. The provision is defective when tried by the team work test.

The Consolidated Corporation Law of 1903 provided that: "Capital stock may be paid in, either in cash or in other property, real or personal; but where payment is made otherwise than in cash there shall be included in the articles an **itemized description** of the property in which such payment is made, with the **valuation at which each item is taken**, which valuation shall be conclusive in the absence of actual fraud."

Dr. Thomas Gold Frost, in his recent valuable work reviewing the corporation laws of the several states, denominates this provision of the Michigan act as, "**The most effective statute of the kind in existence.**" Indeed the act was so liberal that the legislature seems to have become afflicted with a species of stage fright. In 1907 (Act 146) the following proviso was added to the paragraph quoted: "Provided that only such property shall be so taken for payment of capital stock as the purposes of the corporation shall require, and only such property as can be sold and transferred by the corporation, and as shall be subject to levy and sale on execution, or other process issued out of any court having competent jurisdiction, for the satisfaction of any judgment or decree against such corporation."

Good will is property—often highly valuable property—capable of

an intelligent valuation; but it is not such property as may be independently seized and sold under judicial process. Before the amendment last quoted became operative, good will was lawfully itemized and valued in the articles of association, the same as other property. It was undisputed that the value of time, effort and money invested in establishing a going concern, crystalized as "good will," might be properly measured in stock. Under the amended law, good will, being intangible and therefore incapable of seizure, is not such property as may be lawfully listed and valued in the articles of association. The water lot, the unexplored mine, the untried patent, however worthless, may be received in payment of stock subscriptions, but good will, however valuable, must be rejected when tendered for a like purpose. It would be difficult to mention a more arbitrary and unreasonable discrimination between classes of property.

There is in Michigan a certain limited partnership association that earns and pays annual dividends of twenty per cent upon a capitalization of \$5,000,000. Its tangible assets are worth about \$500,000. It expends \$1,000,000 per annum in advertising. Probably no one would value its good will at less than \$4,500,000. Suppose that association, as is its right, desired to reorganize under the consolidated corporation law. What situation would confront it? Simply this: if it kept within the law it must shrink its stock issue \$4,500,000; its most permanent and valuable asset must be disregarded, while its perishable materials, buildings and machinery may be put in at full price.

"Why, not," someone proposes, "add the value of the good will to the value of the buildings, material and machinery and list the latter in the articles of association at a valuation of \$5,000,000?" Simply for the reason that the buildings, material and machinery, whether associated or dissociated with the good will are not worth \$5,000,000. Were these tangible properties all destroyed they could be replaced for \$500,000. The statute requires an itemized description and valuation of the property. An inventory which omits an item actually taken at \$4,500,000, but concealed under the cloak of tangible property to evade the law is, I maintain, not such an itemized statement and valuation as will protect stockholders against corporate creditors. It may be added that a statute which—as in this case—by its unreasonableness impels men of sound integrity to justify its evasion is a reproach to jurisprudence.

Under the present law, less danger arises from subscription payments made in property than from subscription payments ostensibly made in cash. To avoid listing property in the articles, incorporators sometimes certify cash payment, when, as a matter of fact, nothing has been received except notes not intended to be paid and checks not drawn against funds. Later this paper may be exchanged for property, pursuant to a preconceived plan; or it may be retained in the hands

of the company's treasurer until some untoward event unmasks the fraud.

This is a matter in which the state is decidedly interested. Legislation upon this subject is needed. It is suggested that the abuse might be prevented by requiring the treasurer of the corporation to cause to be annexed to the articles of association his sworn statement, specifically setting forth that the full amount of cash recited in the articles as having been paid in has been received by him in lawful money and remains in his hands as corporate funds, or is upon deposit in some state or national bank to the credit of, and in the name of, the company. The treasurer should be made liable civilly and criminally for false certification.

As long as there are criminals among men, there will be "wild cat" companies among corporations. Legislation cannot make corporate management knave-proof, nor corporate stocks "fool-proof." But the people are becoming wiser. In general before they invest they investigate. Our courts have done well, and our legislatures have meant well, in their efforts to make corporations "safe and sane" institutions. Let us hope that **the team test work** may be some day generally applied in the formulation of all corporation legislation. Someone has said that, "Every child is entitled to be well born." Upon the same principle, every corporation is entitled to be the offspring of a rational law.

REPORTS OF COMMITTEES

REPORT OF COMMITTEE ON LEGISLATION AND LAW REFORM.

To the Michigan State Bar Association:

Gentlemen:

Your Committee on Legislation and Law Reform respectfully submit the following:

Your Committee made its report at the last meeting of the Bar Association held in Detroit in 1909, and as nothing except formal business was transacted at this meeting, no further recommendations were made to the committee, and all matters which had been referred to the committee were acted upon during the year 1909, prior to the meeting in Detroit.

In February, 1909, your committee met at the City of Lansing, all members being present except Mr. Monaghan of Detroit. At this meeting, all matters which had been referred to this committee were taken up and discussed, and bills prepared for presentation to the legislature which was then in session. These proposed bills were submitted to the legislature, and were as follows:

1. A bill to repeal Act 340 of the Public Acts of 1907, entitled, "An Act to repeal the practice on appeal in chancery cases."

The legislature took action in reference to this matter, and resulted in the passing of Act 299 of the Acts of 1909, which regulates the present practice on appeals in chancery cases.

2. The next bill was in relation to the practice in Probate Court. Your committee added to Section 25 of Chapter 33 of the Compiled Laws of 1897, relating to Probate Courts:

"Provided, however, that any Probate Judge shall have power in all contests over the allowance or disallowance of wills, before the hearing thereon in Probate Court, to certify the same to the Circuit Court for the same county for hearing, upon application of any interested party in said contest, in the same way and subject to the same provisions as are now provided for in appeals from the Probate Court to the Circuit Court mentioned in this section."

This bill was introduced in the Senate and the language changed somewhat, but not the context, and finally died in the Senate, because of the efforts of several lawyers in the Senate who claimed it would practically rob them of their law practice, as they always contested wills in the Probate Court, and that this right should not be taken from them, or from litigants.

The next bill introduced was in relation to amending Section 42 of Act 204 of the Public Acts of 1901, wherein honorary members of the Michigan National Guard were exempt from jury duty. The legislature did not take kindly to this bill, and claimed that there were jurymen enough available without interfering with this provision in reference to honorary members of the Michigan National Guard. In other words, that it was none of the Bar Association's business if

these men were exempt, and this bill never got beyond the committee.

The next bill was in relation to the amendments to Section 19 of Chapter 33 of the Compiled Laws of Michigan, 1897, relating to Probate Courts, wherein it was the purpose to add the following:

"Nor shall he draft or prepare, either by himself directly or indirectly, or in his office, under his direction, or by the Probate Register, any papers in any proceedings commenced or to be commenced in said court, or advise in any proceeding which shall in any way relate to any sentence, order or decree, made or passed by him, except such papers necessary to make and pass said sentence, order or decree. But he shall be required to give general directions to the legal representatives of estates, as to their duties and powers, and to explain in a general way to persons interested in estates, the methods and purposes of administration, but he shall not advise parties litigant."

This proposed bill was amended and changed some after its submission to the legislature, but it immediately became apparent that the members of the House would do everything possible to defeat the bill, as many of them stated that they had always had the privilege of going to the Probate Court for these favors, and in some counties the Probate Judge was the only person who could look after these affairs. And this bill failed of passage.

Also a recommendation was made to the legislature that a bill, providing for the appointment of a commission to revise statutes on specific subjects, was made, similar to the Negotiable Instruments law. But further work must be done along this line before the legislature are ready to take up this proposition, and we would recommend that a committee be appointed to take up this special work and prepare it and get it before the legislature at its next session, as it is the belief of the committee that this commission might be provided for if the committee had sufficient time in which to prepare the bill and present the matter properly to the legislature.

The question was also discussed as to Appeals on Certiorari from Justice Courts, and upon examination it was found that bills of this nature had been presented to the legislature and had been defeated time and time again, and it was thought better to lend our efforts towards the passing of a Chancery Appeals bill, which proved more successful.

After these bills above mentioned were submitted to the legislature, your committee used its best efforts, by being present at Lansing and also through other efforts, to secure the passage of these bills, with the foregoing results.

The only other proposition which was submitted to the committee, was the amendment of Circuit Court Rule 24, in reference to the time which each side is summing up a case.

Respectfully submitted by Committee on Legislation and Law Reform.

CLARKE E. BALDWIN, Chairman.
H. M. GILLET.
H. P. STEWART.
C. L. COLLINS.
G. F. MONAGHAN.

REPORT OF COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO THE BAR.

To the Michigan State Bar Association:

The Committee on Legal Education and Admission to the Bar submits the following report:

1. We recommend that Section 119 of the Compiled Laws of 1897, being Section 1 of Act No. 205 of the Public Acts of the State of Michigan of 1895, be repealed.

2. We recommend that Section 1121 of the Compiled Laws of the State of Michigan of 1897, being Section 3 of Act No. 205 of the Public Acts of 1895, be amended so as to read as follows: "Every other person who shall be of full age, a resident and a citizen of the United States, and of the State of Michigan, or if a citizen of any other state, he shall prove to the satisfaction of the court that it is his bona fide intention to personally maintain an office therein for the practice of law, and of good moral character, may on application therefor to the Supreme Court of this state, be admitted to practice as an attorney and counselor at law, and solicitor and counselor in chancery, in all the courts of record of this state, on motion made in open court, but the applicant shall first produce the certificate hereinafter provided for from the board of examiners, to be appointed by the governor upon the recommendation of the Supreme Court of Michigan, that he possesses sufficient learning in the law, and moral character and ability to enable him to properly practice as an attorney and counselor at law and solicitor and counselor in chancery in the courts of this state. No person shall be entitled to practice as an attorney and counselor at law and solicitor and counselor in chancery in this state until he shall be licensed so to do by said court. No person shall be denied admission to practice as an attorney and counselor at law and solicitor and counselor in chancery on account of sex."

3. That Section 1123 of the Compiled Laws of Michigan of 1897, being Section 5 of the Public Acts of Michigan for the year 1895, be amended so as to read as follows: "The residences and names of the applicants shall be made to appear to said board by affidavit; and satisfactory evidence shall also be produced by such applicants of their good moral character and that they have studied law for a period of three years in an approved law school to be approved by the board of examiners, or bona fide served a regular clerkship in the office of a practicing attorney for a period of four years; and a fee to be fixed by said board of not more than \$10.00 shall accompany the application. The applicant shall be required to submit to a written examination, which shall be prepared by such board, also an oral examination by the board, and shall be required to answer a minimum of seventy per cent of the questions given him to entitle him to the certificate of the board."

4. That Section 1125 of the Compiled Laws of the State of Michigan for the year 1897, being Section 7 of Act No. 205 of the Public Acts of Michigan for the year 1895, be amended so as to read

as follows: "The board of examiners shall receive as compensation for their services **\$25.00 per day** for the time actually spent, and the necessary expenses incurred in the discharge of their duties as examiners, in going to, holding and returning from such examination, to be fixed and certified by the clerk or one of the justices of the Supreme Court: Provided, however, That all compensation for services and expenses shall not exceed the amounts received as fees from applicants."

In support of proposition Numbers 1 and 2, your committee has in mind the action taken by the American Bar Association along the same lines indicated in the amendment proposed.

It is of the utmost importance that we maintain a high standard of legal learning for those who contemplate admission to the bar of this state.

We desire it distinctly understood that this amendment is not intended as any reflection upon either the law department of the University of Michigan or the Detroit College of Law, or with a view of belittling the importance of a diploma from either of those institutions, but we think it of great importance for the good of the profession in attaining this high standard of legal learning, that the clerk or student in the law office as well as the student in the law schools, shall know as a consideration for his admission to the legal profession of this state, that he must pass an examination before the state board of law examiners carefully selected from the ranks of the practicing lawyers of this state.

It is the opinion of your committee that this requirement will have a beneficial effect upon law students in providing another safeguard against the admission of unqualified persons into the profession, and will stimulate their efforts towards acquiring such a comprehension of legal principles so as to be enabled to stand the test of the second examination, the one for the diploma and the second for admission to the bar.

We think the idea is becoming universal throughout the United States of requiring all candidates for admission to the bar to pass an examination by law examiners appointed for that purpose, and we know it is in accord with the ideas of the American Bar Association.

It is a well-known fact that very few candidates for admission to the bar of our state, now take the examination before the board of law examiners, as appears from the following statement taken from the records:

In 1905, out of 235 admissions to the bar, 123 of these took the examination before the board, 163 were admitted on diplomas from the U. of M., 40 from the Detroit College of Law, and 9 from other states.

In 1906, out of 239 admissions but 11 were on examination, 177 from the U. of M., 31 from Detroit and 20 from other states.

In 1907, out of 252 admitted but 18 took the examination, 159 from the U. of M., 41 from Detroit and 34 from other states.

In 1908 up to October, but 4 had taken the examination, 161 from the U. of M., 47 from Detroit and 8 from other states.

We have no doubt the year 1909 would prove no exception to this diminishing number of admissions upon examination if the records were examined.

In providing that candidates for admission shall have had three

years' study in an accredited law school, or in lieu thereof four years in a law office, is based upon the superior advantages of the law school for obtaining requisite legal knowledge over the present day methods in the law office of the busy practitioner.

We think there is today very little dispute as to the relative merits of a legal education by means of the law schools and that to be obtained in the law office as the attorney's clerk.

Under the methods in vogue under the old system the law clerk had an opportunity to acquire familiarity with the principles and practice of the law through the copying of all papers, including the pleadings and court proceedings, and also the briefs of counsel for the use of the printer.

Under our present system this is all done by the stenographer and typewriter, and the law clerk has but little, if any, participation in the business, and he finds the work dull, and the reading of the law books monotonous, with very little, if any, opportunity for explanation or discussion with the busy lawyer in whose office he may be. And your committee is of the opinion that the three years' training in a good law school affords equal if not superior opportunity to the student than four years in the law office under present conditions.

Your committee also believe that this provision will have a beneficial effect in turning the attention of the law student toward the law schools, rather than into the law offices, where the student is looked upon as an encumbrance rather than a help.

In support of proposition Number 3, it is the opinion of your committee that applicants for admission to the bar of this state should either be residents of the state or those who have the bona fide intention of becoming resident practitioners in this state.

It is common knowledge that in states where the standards of admission to the bar are very high, that those who have applied for admission and failed, may go to some other state less exacting and be admitted to practice in the courts of that state, and then go back to the state where they had formerly failed of admission and secure the right to practice therein as a practicing attorney from another state.

We are also aware of the fact that many of the students from the law colleges where admission to the bar can be secured through their diplomas, are admitted to practice in that state and then go to their home state and secure admission to practice in her courts through the principle of comity between the states. We therefore urge the adoption of this provision as a proper amendment to the present legislation.

Your committee recommends the adoption of the 4th proposition, to increase the pay of the board of examiners to \$25.00 instead of \$10.00, for the reason that we consider the present remuneration entirely inadequate, and as the section, proposed to be amended, limits their compensation to the amount received as fees from the applicants, there would be no objection to this change on the ground of its increasing taxation.

It is our opinion that with the amendments herein proposed, that the number of applicants for examination will be very largely increased, and that the duties of the board of law examiners will require very much more of their time than under present methods, and we feel that they should receive something like an equivalent for the time spent by them in this public service.

All of which is respectfully submitted.

WATTS S. HUMPHREY, Chairman.

REPORT OF COMMITTEE ON GRIEVANCES.

To the Michigan Bar Association:

During the present year there has been no business before the Committee on Grievances, and no complaints have been made to it, of any violations of professional ethics.

There have doubtless been some things done which might have been referred to your committee, some of which at least, have been taken up by the local bar of the place.

It has been the policy of your committee from the first, to bring all matters relating to disbarment of attorneys before the Supreme Court, and all proceedings that have in the past come out of the investigations of the committee have been commenced there. Of late, your committee has been advised from the Attorney General's office that the Supreme Court is averse to entertaining motions of that character, preferring that they be brought in the Circuit Court of the locality where the wrong was committed.

This has probably been the principal reason why local bars have taken the initiative in proceedings of that character, and the committee relieved of some work it had previously been called upon to perform.

It is recommended that the committee continue its vigilance in order that it may at all times be ready to give any aid or advise whenever it may be needed.

There have been some inquiries made during the past year relative to the proper method of proceeding in disbarment matters, by those who desired to institute the same in the Circuit Court.

Such inquiries have been answered by the chairman of your committee, and without doubt the succeeding committee will be equally ready to do the same in the future.

All of which is respectfully submitted.

C. W. PERRY, Chairman.

REPORT OF COMMITTEE ON MEMBERSHIP, 1909.

To the Officers and Members of

The Michigan State Bar Association:
Gentlemen:

Your Committee on Membership begs leave to report that it has acted upon 60 applications for membership, during the past year; that 59 of these applications were acted upon favorably, while one applicant was refused admittance because your committee thought that such applicant was not worthy of admission to our organization.

The names of the 59 new members of the association will be found under appropriate heading in the Secretary's report.

Respectfully submitted,

H. E. BODMAN,
SIDNEY T. MILLER,
WM. J. LANDMAN,
Committee on Membership.

REPORT OF COMMITTEE ON MEMBERSHIP, 1910

To the Officers and Members of

The Michigan State Bar Association:
Gentlemen:

Your Committee on Membership begs leave to report that it has passed on 27 applications for membership in the association during the past year, and has elected each applicant, so applying, to membership.

The names, addresses and dates of admission will be found in the Secretary's detailed report.

WM. P. BELDEN,
JAMES F. SHEPHERD,
WM. J. LANDMAN,
Committee on Membership.

REPORT OF COMMITTEE ON INCORPORATION OF ASSOCIATION.

To the Honorable

The Michigan State Bar Association:

The undersigned committee, appointed October last by President Stevens to "attend to the necessary legal steps" for the incorporation of your association, respectfully report, that such articles have been drafted and are ready to be executed and filed under Act 171 Sess. Laws of 1903, which is held at the Secretary of State's office to be the only law under which incorporation can be had.

On reflection, and after learning that the association, which is now a private body, was organized with due formality in June, 1890, and that the failure to file copies of its articles, in the proper state and county offices, is responsible for its not then becoming incorporate, we have determined not to present them at this time.

It is our judgment that it does not comport with the importance and standing of an association representing Michigan's twelve hundred lawyers to accept corporate life under the above named statute, which is doubtless well enough for many purposes.

Given five incorporators, three trustees, the payment of five dollars to the state, and one and all of the numberless conceivable organizations it provides for will be complete and have parentage with us.

That it was hastily drawn is evidenced by the fact that two years later, by Act 163, the number of trustees was reduced to three and Institutions of Learning and the Odd Fellows were excepted, as religious organizations had been in the original draft.

Again, by Act 148 of 1909, societies for the prevention of cruelty to children, animals, birds and fowls, were likewise excepted for the apparent reason that those interests were provided for by earlier statutes. If exceptions and amendments were germane for those purposes why not in behalf of the Bar?

It repeats nothing save by implication, on which implication is based the ruling of the Secretary of State's office, that we may incorporate only under the above named act. It is not too much to say that this association represents as numerous a body of distinguished citizens of the state as does any other, and that its labors and influence for the good of all the people have been of the highest value.

It is an organization learned and distinguished. It has a history, interwoven with that of the state, covering nearly a fifty of a century. All citizens and every Michigan interest has been benefited by its example, its counsel and its work in the past, and will continue to be in the future. The eminent lawyers who laid its foundation at Detroit in 1890 did their work liberally, broadly and well, as is abundantly shown by the published proceedings of its meetings for the years 1890-91.

That an oversight, which is responsible for the failure to file its articles, should be permitted to destroy their splendid work and force

incorporation at this time under the law of 1903, is not to be thought of. The articles of incorporation under Act 107 of 1881, entitled, "An Act to authorize the formation of incorporations of Associations of Members of the Bar," should not be abandoned.

The legislature should be asked to except Bar associations, following which this association may file its articles and become incorporate, thus saving to the state and Bar the honorable history the association has made.

This special and exclusive act, copied from statutes of older states, is of great dignity, and we of today should not surrender the distinction the earlier lawyers claimed for themselves and sought to preserve for their successors.

We suggest that no action looking to the making of new articles of association be taken at this time, but that the committee be continued or a new one raised to secure legislation at the earliest opportunity, by which incorporation may be effected under the law of 1881.

S. L. KILBOURNE,
WM. J. LANDMAN,
Committee.

REPORT OF HISTORICAL COMMITTEE.

To the Officers and Members of
The Michigan State Bar Association:

The Secretary, acting as the Historical Committee of the Association, begs leave to report that he has tried to publish a short biographical sketch of each deceased brother, in the printed proceedings of the association, and for several years a sketch prepared by some legal associate of the deceased brother has been secured when possible, but strange as it may sound, it has been well nigh impossible, in some cases, to secure a sketch so written.

In order to make as complete a list of sketches as possible, the Secretary has written to the families of deceased members whose deaths had not already been mentioned in the proceedings, and has met with fair success in securing the information he has sought.

Attached hereto are brief sketches of the careers of: Theodore Beaver of Niles, John C. Dooling of St. Johns, Horton H. Drury of Grand Rapids, Robert E. Frazer of Detroit, C. C. Fuller of Big Rapids, L. C. Fyfe of St. Joseph, Chauncey H. Gage of Saginaw, Dwight Goss of Grand Rapids, Hiram J. Hoyt of Muskegon, Seth W. Knight of Mt. Clemens, Wm. C. Maybury of Detroit, John C. Patterson of Marshall, Frank E. Priddy of Adrian, Timothy E. Tarsney of Detroit, L. W. Wolcott of Grand Rapids.

If any members present know of a deceased member of the association who has not been mentioned above, or whose death has not been previously noted in the proceedings, he can secure a blank from the Secretary, who will be pleased to have him fill out so much of it as he can.

It is recommended that these brief sketches be printed in the next published proceedings of the association:

THEODORE G. BEAVER.

Theodore G. Beaver of Niles, Michigan, was born in New Berlin, Pennsylvania, on September 20, 1834. He was educated at Wells Academy, in Pennsylvania, and was admitted to the bar at Berrien Springs, Mich., in 1862, before the Hon. Nathaniel Bacon. Mr. Beaver married Frances M. Trombley in 1863 and the following named children survive him: Theodora Beaver Vanderlyn of Niles, Michigan, and Frank Trombley Beaver of Woburn, Mass. Mr. Beaver was Mayor of Niles in 1884 and 1891; he was a 32nd degree Mason and a Past Great Commander of the Knights of the Maccabees. Mr. Beaver died at Niles, Michigan, on September 14, 1906, and was buried in Silver Brook Cemetery.

JOHN C. DOOLING.

John C. Dooling of St. Johns, Michigan, was born in St. Johns November 19, 1868. He graduated from the High School of St. Johns in June, 1886, and from the Law Department of the University of Michigan in 1889. He practiced law in Grand Rapids, Belding and

St. Johns, Michigan. Just before his death he completed a legal work entitled "Equitable Remedies of Creditors in Michigan." Mr. Dooling died at Detroit, Michigan, on February 28, 1908, and was buried in Mount Elliott Cemetery, Detroit.

HORTON HAMILTON DRURY.

Horton H. Drury of Grand Rapids, Michigan, was born in Middleberry, Vermont, May 25th, 1843. He was educated at the University of Michigan. Mr. Drury was at one time a member of the Board of Education of Grand Rapids, that being the only public office he ever held. Mr. Drury married Sarah Jewett Danom, in 1864, at Ann Arbor, Michigan. Lillie Drury McClure of Philadelphia, Pa., is his daughter. Mr. Drury died at Grand Rapids, Michigan, March 18, 1909.

ROBERT E. FRAZER.

Robert E. Frazer of Detroit, Michigan, was born in Adrian, Michigan, October 2nd, 1840. He was educated at the University of Michigan. The degrees of Bachelor of Science and Bachelor of Laws were conferred upon him at Michigan University. He practiced law in Ann Arbor, Jackson and Detroit. Judge Frazer was at one time City Counselor of Ann Arbor and Circuit Court Commissioner and Prosecuting Attorney of Washtenaw county, and later became Circuit Judge of the Wayne County Circuit Court. Judge Frazer married Abbie M. Saunders of Ann Arbor, on August 3, 1863, and the following children survive him: Carrie W. Ronan of Bedford City, Va., and Francis A. and William R. Frazer of Detroit. Judge Frazer died, at Detroit, May 9th, 1908.

CEYLON CANFIELD FULLER.

C. C. Fuller was born at Chardon, Geauga county, Ohio, June 25, 1832. He was educated at Hiram College, Ohio. He early removed to Big Rapids, Michigan, where he at different times held a number of official positions, having been Circuit Court Commissioner, Postmaster, Prosecuting Attorney, Probate Judge, State Representative and Circuit Judge.

Mr. Fuller died at Big Rapids, December 23, 1906, and is survived by Louis M. Fuller of Pasadena, California, John E. Fuller of California, Ben H. Fuller of Charleston, South Carolina, and Charles E. Fuller of Portland, Oregon.

LAWRENCE C. FYFE.

Lawrence C. Fyfe was born on the Isle au Noix, Canada, May 18th, 1850. He received his legal education at the Law School of the University of Michigan, and practiced at St. Joseph, Michigan. Mr. Fyfe was admitted to the bar of Illinois in 1873 and to the bar of Michigan May 22, 1874. The only public offices he held, other than being a member of the recent Constitutional Convention, was that of Circuit Court Commissioner, in 1878, and State Representative in 1879-1881. He was married on April 25, 1877, at Adams, New York, to Helen Stanley.

Mr. Fyfe died on November 15, 1909. He is survived by his widow and the following named children: Isabella Fyfe Peters, Stanley L. Fyfe of Detroit and Harold G. Fyfe of New Mexico.

CHAUNCEY H. GAGE.

Chauncey H. Gage of Saginaw, Michigan, was born in Detroit, Michigan, in 1840. He was educated in the public schools of that city and practiced law in Saginaw, Michigan. Mr. Gage married Mary Mildred Smith at Saginaw in 1864, by whom he had one son, Stuart Maurice Gage of Seattle, Wash. Mr. Gage, after the death of his first wife, married Isabel Pack of Lansing, Michigan, in 1875, by whom he had one son, Harold L. Gage, also of Seattle, Washington. Mr. Gage was City Attorney of Saginaw and Prosecuting Attorney of Saginaw prior to election as Circuit Judge, which position he held for 16 years. Judge Gage died at Saginaw, April 8, 1909.

DWIGHT GOSS.

Dwight Goss of Grand Rapids, Michigan, was born in Randolph, Portage county, Ohio, February 18, 1857. He was educated at the Ionia High School and the University of Michigan. Mr. Goss married Josephine Christina Ahnefeldt, July 7, 1891, at Muskegon, Michigan, and the following children survive him: Faith Goss and Henry Ahnefeldt Goss, of Grand Rapids, Michigan. Mr. Goss was at one time Circuit Court Commissioner for Kent County, and later Assistant United States District Attorney of Western Michigan. Mr. Goss died March 29, 1909, at Altadena, California.

HIRAM J. HOYT.

Hiram J. Hoyt of Muskegon, Michigan, was born March 23, 1843, at Walled Lake, Oakland county, Michigan. He was educated at Buffalo, New York. Mr. Hoyt married Ada E. Smith, February 26, 1867, and is survived by his wife and son, Wilbur S. Hoyt of San Francisco, Cal. The only public office held by Mr. Hoyt was that of City Attorney of Muskegon. Mr. Hoyt died May 17, 1909, at Muskegon.

SETH W. KNIGHT.

Seth W. Knight of Mt. Clemens, Michigan, was born in Utica, Macomb county, Michigan, July 17, 1863. He was educated at the University of Michigan. Mr. Knight married Katherine L. Crocker, June 22, 1898, at Mt. Clemens, Michigan, and left the following children: George C. Knight and Katherine L. Knight of Mt. Clemens, Mich. Mr. Knight was Judge of Probate of Macomb county from January 1, 1901, to 1905. Judge Knight died July 11, 1910, at Mt. Clemens, Michigan, and was buried in Clinton Grove Cemetery.

WILLIAM COTTER MAYBURY.

William C. Maybury of Detroit, Michigan, was born in Detroit, November 20, 1848. Mr. Maybury was a graduate of the Detroit High School, and of the Literary and Law Departments of the University of Michigan. He received the degree of M. A. from the University of Michigan in 1880. Mr. Maybury was City Attorney of Detroit from 1876 to 1880; member of Congress from the First Michigan District, 1883 to 1887, and Mayor of Detroit from 1897 to 1905, and was made a Chevalier of Legion of Honor of France, in 1905; he held the chair of Professor of Jurisprudence in the Michigan College of Medicine in 1881 and 1882. Mr. Maybury died at Detroit, May 6th, 1909.

JOHN C. PATTERSON.

John C. Patterson of Marshall, Michigan, was born in Eckford Township, Calhoun Co., March 27, 1838. Mr. Patterson was educated at the Albion Wesleyan Seminary, Hillsdale College and the Albany Law School; he married Miss Minnie Ward, August 1867, and is survived by two sons. Mr. Patterson was admitted to the bar in 1865, and practised at Marshall, Michigan; he was trustee of Hillsdale College for 33 years and State Senator for four years. He received the degree of A. B. from Hillsdale College in 1864, and L. L. B. at the Albany Law School in 1865. Mr. Patterson died May 24, 1910, at Marshall, Michigan.

FRANK E. PRIDDY.

Frank E. Priddy of Adrian, Michigan, was born February 28, 1865, at Maple Valley, New York. Mr. Priddy had the degree of B. Sc. Mr. Priddy married Bessie M. Leach, August 15, 1893, at Belvedere, Illinois, and is survived by the following named children: Irene Leach, Allan Leach and Frances Elizabeth Priddy. Mr. Priddy was City Attorney of Adrian for six years and Postmaster for seven years; he died February 25, 1909, at Adrian.

TIMOTHY EDWARD TARSNEY.

Timothy E. Tarsney of Detroit, Michigan, was born February 4, 1849. He was educated at the University of Michigan. Mr. Tarsney had lived and practised at Saginaw and Detroit; he at one time held the office of Justice of the Peace at Saginaw, and also Corporation Counsel and was later elected to Congress. Mr. Tarsney died June 8, 1909, at Detroit.

LAURENS WRIGHT WOLCOTT.

Laurens W. Wolcott of Grand Rapids, Michigan, was born February 8, 1843, at Warsaw, New York. He was educated at Ann Arbor. Judge Wolcott married Lucy Gallup, March 5, 1873, and is survived by the following named children: Ellen Wolcott Cheney of East Seattle, Washington and Kate Wolcott Miller of Evanston, Illinois. Judge Wolcott died suddenly March 29th, 1909, while on board a train in Oregon.

20th ANNUAL BANQUET

OF

THE MICHIGAN STATE BAR ASSOCIATION

Hotel Marquette, July 26th, 1910.

Local Committees: Entertainment—D. H. Ball, A. B. Eldredge

Banquet—A. E. Miller, M. J. Sherwood

MUSIC BY TROMBLY'S ORCHESTRA

1. Poet and Peasant..... Von Suppe
2. La Paloma Yeader
3. Semiramide Rossini
4. Commodore (Cornet Solo)..... Chambers
5. Jolly Robbers..... Von Suppe

MENU

DRY MARTINI

Consomme Florentine

Celery Hearts

Salted Almonds

SAUTERNE

Planked Superior Whitefish, Provincial

Chilled Tomatoes

Pommes Souffle

WHITE SEAL

Broiled Milk Fed Spring Chicken

New Potatoes, Browned

Asparagus, Drawn Butter

Live Lobster Salad, Mayonnaise

Colorado Cantaloupe, a la Mode

Camembert Cheese

Water Crackers

Cafe Noir

CIGARS

CIGARRETTES

POST PRANDIAL

"True wit is Nature,
To advantage dress'd,
What oft was thought,
But ne'er so well expressed."—Pope.

JUSTICE J. W. STONE, Toastmaster.

"Fate seemed to wind him up for four score years,
Yet freshly ran he on ten winters more."—Dryden.

REMARKS BY THE RETIRING AND INCOMING PRESIDENTS

"Off with the old love, on with the new!"—Shakespeare.

COMICAL INCIDENTS IN PRACTICE.....J. F. HAMBIZER

"Chestnuts, raw and boiled and roasted."—Anon.

"TO-WIT".....BURRITT HAMILTON

"You beat your pate and fancy wit will come.
Knock as you please, there is nobody at home."—Pope.

THE BAR AND THE PUBLIC.....GRANT FELLOWS

"Laws grind the poor, and rich men rule the law."—Goldsmith.
"Justice renders to every man his due."—Cicero.

REPORTS OF OFFICERS,
OFFICERS,
COMMITTEES,
MEMBERS,
DECEASED MEMBERS,
LOCAL BAR ASSOCIATIONS,
ETC.

REPORT OF SECRETARY, 1909

To the Officers and Members of
The Michigan State Bar Association:

Gentlemen:

I have presumed that the kind of a report that you would like from me is a very brief one, so far as the reading of it is concerned. With your "leave to print" my detailed report, I will say that during the past year I have performed the customary duties of Secretary, so far as correspondence and committee work is concerned; that I have collected the dues from the members and have printed and distributed the proceedings of the Association. As Secretary of this organization, I have also done some work, in connection with the officers and committee-men of the Detroit Bar Association and the American Bar Association, pertaining to the meeting of the latter Association in this city at this time.

Following is a detailed report of the standing of the Association:

DUES.

Debit.

By dues collected from members.....\$892.00

Credit.

To paid Hon. Wm. E. Brown, Treasurer.....\$870.00

Balance in hands of Secretary.....\$ 22.00

MEMBERSHIP.

Members at date of last report.....	615
Members who have died since last meeting.....	11
Members removed from state since last meeting.....	2
Members who have withdrawn since last meeting.....	3
Members who have been dropped since last meeting.....	18
	<hr/> 34
	581
New Members	59
	<hr/>
Total present membership.....	640

Members Who Have Died Since Last Meeting.

Constantine, S. M., September, 1908, Three Rivers.
Dooling, John C., February 28, 1908, St. Johns.
Drury, Horton, H., March, 1908, Grand Rapids.
Frazer, Robt. E., May 9, 1908, Detroit.
Gage, Chauncey H., April 8, 1909, Saginaw.
Goss, Dwight, March 30, 1908, Grand Rapids.
Hoyt, Hiram J., May 17, 1909, Muskegon.
Maybury, Wm. C., May 6, 1909, Detroit.
Priddy, F. E., February 25, 1909, Adrian.
Tarsney, T. E., June, 1909, Detroit.
Wolcott, L. W., May 30, 1909, Grand Rapids.

Members Who Have Removed From the State Since Last Meeting.

Michael Brown, Billings, Mont., formerly of Big Rapids, Mich.
Frederick W. Stevens, New York, formerly of Detroit.

Members Who Have Withdrawn Since Last Meeting.

Beach, Watson, August 6, 1909, Lexington.

Goodspeed, Richard C., August 13, 1909, Grand Rapids.

Loranger, U. R., Bay City.

Members Who Have Been Dropped Since Last Meeting.

Berger, E. T., Detroit.

Clark, O. S., Battle Creek.

Donahoe, C. F., Munising.

FitzGerald, G., Grand Rapids.

Hawley, R. A., Ionia.

Hooper, J. L., Battle Creek.

Lawrence, J. S., Grand Rapids.

Ludlum, R. M., Battle Creek.

McCall, L. H., Charlotte.

O'Hara, J., St. Joseph.

Randall, I. E., Houghton.

Simons, C. S., Detroit.

Stevens, M. W., Flint.

Streeter, H., Detroit.

Voorhels, P. W., Plymouth.

Watt, C. A., Grand Rapids.

Wood, F. B., Tecumseh.

Wright, B. S., Mt. Clemens.

NEW MEMBERS.

NAME	DATE	RESIDENCE
Adams, John Q.	Aug. 26, 1908.	Negaunee
Bacon, N. H.	Aug. 25, 1908.	Niles
Baillie, Thos. H.	Aug. 19, 1908.	Saginaw
Barlow, Burt E.	Aug. 31, 1908.	Coldwater
Bates, Henry M.	March 27, 1909.	Ann Arbor
Belcher, Charles N.	Aug. 25, 1908.	Manistee
Bell, Frank A.	Sept. 20, 1908.	Negaunee
Benjamin, Maxwell W.	Nov. 18, 1908.	Cheboygan
Brooks, Edward L.	Aug. 18, 1908.	Fremont
Brooks, Melville D.	Aug. 17, 1908.	Saginaw
Chandler, Bert D.	April 19, 1909.	Hudson
Clark, Herbert R.	March 12, 1909.	Adrian
Cook, A. C.	Aug. 28, 1908.	Iron Mountain
Cook, Frank C.	Aug. 18, 1908.	Detroit, Majestic Bldg.
Crane, R. F.	Aug. 17, 1908.	Saginaw
Cumminskey, John	Aug. 18, 1908.	Escanaba
Davis, E. M.	June 25, 1908.	Ionia
DeWeale, Charles L.	Aug. 18, 1908.	Roscommon
Emarr, George A., Jr.	June 20, 1908.	Grand Haven
Foster, Isaac.	Nov. 17, 1908.	Gladwin
Francis, James.	Oct. 5, 1908.	Alpena
Harmon, Henry A.	Aug. 18, 1908.	Detroit
Harris, J. M.	Aug. 11, 1909.	Boyne City
Hatch, Harvey Burright.	Sept. 11, 1908.	Marquette
Hayden, Asa K.	Aug. 7, 1909.	Cassopolis
Hudson, Roberts P.	Aug. 31, 1908.	Sault Ste. Marie
Hutton, Henry C.	Aug. 15, 1908.	Ludington
Joslyn, C. D.	July 25, 1908.	Detroit
Jurma, A. W.	Aug. 19, 1908.	Ishpeming
Keating, Frank L.	Aug. 10, 1909.	Pellston
Kelser, A. A.	Aug. 26, 1908.	Ludington
Kerr, Angus W.	Sept. 4, 1908.	Calumet
Kinsman, George O.	July 30, 1908.	Oxford
Kleinfeld, Frank F.	Aug. 15, 1908.	Saginaw
Lewis, Mlo.	June 30, 1908.	Greenville
McNamara, James.	Aug. 17, 1908.	Detroit
Merriam, S. L.	June 25, 1908.	Detroit
Michener, Earl C.	March 13, 1909.	Adrian
Moore, Andrew L.	Aug. 7, 1909.	Pontiac
Moore, Francis M.	Aug. 10, 1908.	Marquette

Naddolleck, George L.....	Aug. 19, 1908.....	Detroit
O'Brien, Michael.....	Oct. 5, 1908.....	Alpena
O'Connor, Joseph J.....	Aug. 4, 1908.....	L'Anse
Partlow, Harry H.....	Sept. 26, 1908.....	Grand Ledge
Pearl, Benjamin O.....	Aug. 19, 1908.....	Marquette
Phelps, Earl F.....	June 25, 1908.....	Grand Rapids
Rawden, Edwin.....	Dec. 18, 1908.....	East Tawas
Rundell, Warren S.....	Aug. 18, 1908.....	Flint
Shepherd, James F.....	Aug. 29, 1908.....	Cheboygan
Smith, Laurence W.....	Aug. 9, 1909.....	Ionia
Stivers, Frank A.....	Aug. 9, 1909.....	Ann Arbor
Ward, M. Thomas.....	Grand Rapids
Weadock, George W.....	Aug. 20, 1908.....	Saginaw
Weadock, Vincent.....	Aug. 20, 1908.....	Saginaw
Woodward, E. A.....	Aug. 28, 1908.....	Iron Mountain
Wing, C. G.....	Aug. 26, 1908.....	Ludington
Wright, John L.....	July 29, 1908.....	Grand Ledge
Yelland, Judd.....	Sept. 5, 1908.....	Escanaba
Youdan, J. Claude.....	June 25, 1908.....	Howard City

WM. J. LANDMAN, Secretary.

REPORT OF SECRETARY, 1910

To the Officers and Members of
The Michigan State Bar Association:

Gentlemen:

During the past year the Secretary has performed the customary duties incident to that office; he has collected the dues from the members; acted as Treasurer of the Christianity Memorial Fund, collecting the subscriptions thereto; acted as a member of the Committee on Membership; and has acted as the Historical Committee, securing the biographical notes pertaining to our deceased brothers.

I think you do not wish a detailed report read at this time—the statistics of the Association will be printed in the proceedings and a copy of the proceedings will be sent to each member.

The following summary as to finances and membership, however, may be of some interest at the present time:

DUES.

Debit.

By dues collected from members.....\$776.00

Credit.

To paid Hon. Wm. E. Brown, Treasurer.....\$698.00

Balance in hands of Secretary.....\$ 18.00

MEMBERSHIP.

Members at date of last report..... 640

Members who have died since last meeting..... 4

Members removed from state, withdrawn or been dropped since last meeting17

— 21

619

New Members 30

Total present membership..... 649

The following named members have died since the last meeting of the Bar Association, namely, August 26, 1909:

Browne, Thomas W., July 9, 1910, Kalamazoo, Mich.

Fyfe, Lawrence C., Nov. 15, 1909, St. Joseph.

Knight, Seth W., July 11, 1910, Mt. Clemens.

Patterson, John C., May 24, 1910, Marshall, Mich.

The following named members have either removed from the state

or have withdrawn from membership since the date of the last meeting of the Association, namely, August 26, 1909:

Ira A. Beck, Battle Creek, Mich.
 Varnum J. Bowers, Mt. Clemens, Mich.
 J. D. Burns, Kalamazoo, Mich.
 Guy M. Chester, Hillsdale, Mich.
 William R. Clarke, Grand Ledge, Mich.
 A. C. Cook, Iron Mountain, Mich.
 W. A. Coutts, Sault Ste. Marie, Mich.
 Byron R. Erskine, Mt. Clemens, Mich.
 David D. Erwin, Muskegon, Mich.
 James H. Hall, Port Austin, Mich.
 George S. Lovelace, Muskegon, Mich.
 F. A. Nims, Muskegon, Mich.
 Floyd L. Post, Midland, Mich.
 W. S. Tucker, Big Rapids, Mich.
 George W. Weadock, Saginaw, Mich.
 Vincent Weadock, Saginaw, Mich.
 Charles F. Welsh, Detroit, Mich.

The following new members have been elected to membership since the date of the last meeting of the Association, namely, Aug. 26, 1909:

Aug. 17, 1909. James B. Peter, Saginaw.
 Aug. 17, 1909. Franz C. Kuhn, Mt. Clemens.
 Aug. 14, 1909. Wm. C. Grace, Kalamazoo.
 Aug. 9, 1909. Charles D. Hanchette, Hancock.
 Aug. 18, 1909. Frederick W. Newton, Saginaw.
 Aug. 13, 1909. James R. Spencer, Iron Mountain.
 Aug. 31, 1909. Clare J. Hall, Grand Rapids.
 Sept. 1, 1909. Homer H. Freeland, Grand Rapids.
 Sept. 27, 1909. Ward N. Choate, Detroit.
 Feb. 23, 1910. Eugene Carpenter, Grand Rapids.
 Jan. 17, 1910. Roy M. Overpack, Manistee.
 June 24, 1910. Homer R. Mallow, Chicago, Ill.
 June 15, 1910. Edgar W. MacPherran, Marquette.
 June 17, 1910. John Kliskila, Hancock.
 June 17, 1910. Swaby D. Lawton, Hancock.
 June 18, 1910. Eugene A. McNahy, Calumet.
 June 17, 1910. Louis N. Legris, Houghton.
 June 17, 1910. Harry Corgan, Hancock.
 June 15, 1910. James Everett Ball, Marquette.
 June 17, 1910. J. F. Hambitzer, Houghton.
 June 18, 1910. Albert E. Petermann, Calumet.
 June 15, 1910. W. S. Hill, Marquette.
 June 5, 1910. M. J. Sherwood, Marquette.
 June 15, 1910. J. L. Heffernan, Marquette.
 July 18, 1910. Waldo T. Potter, Ishpeming.
 July 18, 1910. Jos. H. Primeau, Jr., Marquette.
 July 18, 1910. Harlan A. Clark, Marquette.
 July 26, 1910. Ira C. Jennings, Escanaba.
 July 26, 1910. Chas. W. McGill, Lansing.
 July 26, 1910. J. M. Edgerton, Negaunee.

WM. J. LANDMAN, Secretary.

REPORT OF TREASURER OF CHRISTIANCY MEMORIAL FUND

To the Officers and Members of
The Michigan State Bar Association:

Gentlemen:

As Treasurer of the Christianity Memorial Fund, I beg to report that there have been subscribed to the Fund the sum of \$1,151.00. Under the terms of the subscription we are entitled to ask for payment of all subscriptions when the amount subscribed aggregates \$1,100.00. All subscriptions, therefore, are now due.

Collections have been made on the above subscriptions, to the amount of \$943.00, which amount, together with \$31.22 interest on the Fund, makes a total of \$974.22, which is now on deposit in the Fourth National Bank of Grand Rapids, to the credit of this Fund.

Following is the list of contributors to this fund:

WM. J. LANDMAN, Secretary.

DATE	NAME AND ADDRESS	Subscribed
Aug. 19, 1908.	Abbott, Fred H., Crystal Falls.....	2 00
Sept. 25, 1908.	Alexander, Cassius, Grand Ledge.....	1 00
July 10, 1908.	Anderson, David, Paw Paw.....	\$ 1 00
July 31, 1908.	Andrus, F. P., Almont.....	2 00
Dec. 13, 1907.	Baldwin, Albert J., St. Johns.....	1 00
July 23, 1907.	Baldwin, C. E., Adrian.....	1 00
July 4, 1907.	Baldwin, W. Monroe.....	5 00
Aug. 26, 1909.	Baldwin, Clarke E., Adrian.....	2 00
July 29, 1908.	Ball & Stone, Houghton.....	25 00
June 8, 1908.	Ball, J. E., Marquette.....	2 00
July 31, 1908.	Ballard, F. C., North Branch.....	2 00
July 5, 1907.	Barbour, Levi L., Detroit.....	10 00
June 8, 1908.	Barnard, W. J., Paw Paw.....	1 00
July 24, 1907.	Barnett, Jas. F., Grand Rapids.....	5 00
Aug. 26, 1909.	Barnett, J. F., Grand Rapids.....	2 00
July 4, 1907.	Beaumont, John W., Detroit.....	2 00
June 8, 1908.	Bell, F. A., Marquette.....	2 00
July 4, 1907.	Bennett, A., Adrian.....	2 00
July 10, 1908.	Bessy, W. G., South Haven.....	1 00
July 4, 1907.	Bissell, John H., Detroit.....	5 00
June 8, 1908.	Blair, Charles B., Lansing.....	10 00
July 4, 1907.	Boudeman, Dallas, Kalamazoo.....	5 00
Aug. 26, 1909.	Boudeman, Dallas, Kalamazoo.....	2 00
Sept. 25, 1908.	Boyle, Emerson R., Charlotte.....	1 00
July 4, 1907.	Bragdon, A. B., Monroe.....	2 00
Aug. 17, 1907.	Brennan, Donnelly & VandeMark, Detroit.....	10 00
Aug. 18, 1908.	Briggs, H. C., Kalamazoo.....	1 00
Aug. 9, 1909.	Briggs, H. C., Detroit.....	1 00
July 31, 1908.	Brown, W. E., Lapeer.....	2 00
June 8, 1908.	Brown, George P., Marquette.....	2 00
July 8, 1907.	Brown, Henry B., Washington, D. C.,.....	10 00
Aug. 26, 1909.	Brown, Wm. E., Lapeer.....	2 00
June 8, 1908.	Bundy, Travis & Merrick, Grand Rapids.....	10 00
July 29, 1908.	Burritt, W. A., Hancock.....	5 00
June 8, 1908.	Butterfield & Keeney, Grand Rapids.....	10 00
June 8, 1908.	Button, C. F., Marquette.....	3 00
July 8, 1907.	Byers, I. W., Iron River.....	1 00
Aug. 5, 1907.	Cady, Burt D., Port Huron.....	2 00
Sept. 18, 1908.	Cahill, Edward, Lansing.....	5 00

June 28, 1907..	Campbell, Charles H., Detroit.....)	25 00
June 28, 1907..	Campbell, Henry M., Detroit.....)	25 00
Aug. 21, 1908..	Canfield, T. H., Detroit.....)	5 00
June 26, 1907..	Campbell, Gordon R., Calumet.....	10 00
Aug. 4, 1908..	Carpenter, Wm. L., Lansing.....	5 00
Aug. 6, 1909..	Carpenter, Wm. L., Detroit.....	5 00
Aug. 26, 1909..	Carpenter, W. L., Detroit.....	2 00
July 8, 1907..	Cavanaugh, Thos. J., Paw Paw.....	2 00
July 10, 1908..	Cavanaugh, Thos. J., Paw Paw.....	1 00
July 8, 1907..	Chadbourne, T. L., Houghton.....	10 00
June 8, 1908..	Chadbourne, T. L., Houghton.....	100 00
July 20, 1907..	Chandler, J. E., South Haven.....	1 00
Aug. 18, 1908..	Chandler, A. H., Hartford.....	1 00
June 8, 1908..	Chapin, E. C., Lansing.....	2 00
Aug. 26, 1909..	Chappell, Fred L., Kalamazoo.....	2 00
June 26, 1907..	Chappell, Fred L., Kalamazoo.....	2 00
June 8, 1908..	Clapperton & Owen, Grand Rapids.....	5 00
Sept. 25, 1908..	Clarke, William R., Grand Ledge.....	1 00
July 10, 1908..	Cogshall, Fred C., South Haven.....	1 00
July 10, 1907..	Colgrove & Potter, Hastings.....	2 00
June 8, 1908..	Collins, C. L., Bay City.....	5 00
July 4, 1907..	Conant, H. A., Monroe.....	5 00
July 29, 1908..	Condon, Frank C., Houghton.....	2 00
Aug. 21, 1908..	Cooley, E. A., Bay City.....	10 00
Aug. 21, 1907..	Corliss, Leete & Joslyn, Detroit.....	5 00
Aug. 26, 1909..	Cowles, Israel T., Detroit.....	1 00
July 31, 1908..	Crampton, L. C., Lapeer.....	2 00
June 25, 1907..	Crane & Norris, Grand Rapids.....	10 00
July 9, 1908..	Crocker, H. M., Calumet.....	2 00
July 5, 1907..	Cropsey, Jesse R., Vicksburg.....	2 00
Aug. 13, 1909..	Cummins, George J., Harrison.....	1 00
Aug. 24, 1908..	Cumminskey, John, Escanaba.....	5 00
July 4, 1907..	Danaher, M. B., Ludington.....	5 00
Aug. 26, 1909..	Danaher, M. B., Ludington.....	20 00
Sept. 25, 1908..	Davids, Emil G., Charlotte.....	1 00
Sept. 25, 1908..	Dean, Frank H., Charlotte.....	1 00
July 10, 1908..	DesVolgnes, L. B., Cassopolis.....	1 00
Aug. 18, 1909..	Devereaux, J. P., Chesaning.....	1 00
Aug. 18, 1908..	DeWaele, Charles L., Roscommon.....	2 00
July 6, 1907..	Dickinson, Don M., Detroit.....	15 00
July 4, 1907..	Dixon, Thornton, Monroe.....	5 00
June 8, 1908..	Dodge, Frank L., Lansing.....	2 00
June 8, 1908..	Dolan, P. H., Lansing.....	1 00
July 4, 1907..	Dunnebacke, Jos. H., Lansing.....	1 00
June 26, 1907..	Earl, Otis A., Kalamazoo.....	2 00
Aug. 9, 1909..	Emmons, Harold H., Detroit.....	1 00
Jan. 22, 1909..	Fellows, Grant, Hudson.....	10 00
July 29, 1908..	Finnegan, J. T., Houghton.....	5 00
Sept. 25, 1908..	Fox, Garry C., Charlotte.....	1 00
June 25, 1907..	Fitzpatrick, W. G., Detroit.....	5 00
June 8, 1908..	Foster, C. W. & W. S., Lansing.....	2 00
June 8, 1908..	Frazer, Wm. A., Lansing.....	2 00
July 10, 1908..	Free, A. Lynn, Paw Paw.....	1 00
Aug. 21, 1908..	Fyfe, L. C., St. Joseph.....	2 00
July 29, 1908..	Galbraith, W. J., Calumet.....	2 00
Aug. 16, 1907..	Geer, Harrison, Detroit.....	5 00
Aug. 19, 1908..	Goff, John H., Detroit.....	2 00
Aug. 26, 1909..	Gore, Victor M., Benton Harbor.....	2 00

Sept. 25, 1908..Gould, J. M., Grand Ledge.....	1 00
July 4, 1907..Gilday, E. R., Monroe.....	5 00
July 4, 1907..Golden, C. A., Monroe.....	5 00
Aug. 4, 1908..Grant, C. B., Lansing.....	5 00
Aug. 13, 1907..Graves, Frank P., St. Joseph.....	5 00
July 10, 1907..Graves, Henry B., Detroit.....	10 00
June 25, 1907..Gray & Gray, Detroit.....	5 00
Aug. 26, 1909..Griswold, N. O., Greenville.....	1 00
July 29, 1908..Haire, Norman W., Houghton.....	5 00
June 8, 1908..Hall, DeVere, Bay City.....	5 00
July 31, 1908..Halpin, T. D., Lapeer.....	2 00
Aug. 9, 1909..Hamblen, Joseph G., Jr., Detroit.....	1 00
June 8, 1908..Hammond, C. F. & E. T., Lansing.....	2 00
Aug. 10, 1909..Hanchett, Benton, Saginaw.....	1 00
June 25, 1908..Hanchette, C. D., Hancock.....	5 00
Aug. 18, 1908..Harmon, Henry A., Detroit.....	5 00
Aug. 16, 1909..Hatch, Harvey Burright, Marquette.....	1 00
Aug. 26, 1909..Hatch, H. H., Detroit.....	2 00
Aug. 16, 1909..Hatch, Wm. B., Ypsilanti.....	1 00
June 8, 1908..Hatch & Raymond, Grand Rapids.....	5 00
July 13, 1907..Hatch, Wm. B., Ypsilanti.....	3 00
July 31, 1908..Heeman, Earl J., Dryden.....	2 00
Sept. 25, 1908..Hendee, Jos. B. H., Eaton Rapids.....	1 00
Sept. 25, 1908..Hendrick, Hartley C., Middleville.....	1 00
Aug. 27, 1907..Hixson, Virgil L., Manistique.....	5 00
Aug. 4, 1908..Hooker, Frank A., Lansing.....	5 00
Aug. 4, 1908..Hopkins, Chas. C., Lansing.....	5 00
July 6, 1907..Howard, Harry C., Kalamazoo.....	5 00
Sept. 25, 1909..Huggett, George, Charlotte.....	1 00
June 26, 1907..Hunt, Harry E., Detroit.....	5 00
Aug. 17, 1909..Hutchins, H. B., Ann Arbor.....	1 00
June 8, 1908..Hyde, Earle & Thornton, Grand Rapids.....	10 00
June 25, 1907..Jewett, Henry R., Adrian.....	1 00
Sept. 25, 1909..Jordan, M. F., Middleville.....	1 00
June 25, 1908..Joslyn, Chas., Detroit.....	10 00
Aug. 27, 1907..Keena, Lightner & Oxtoby, Detroit.....	10 00
Sept. 9, 1909..Keeney, W. F., Grand Rapids.....	1 00
Aug. 18, 1908..Kellie, Ronald S., Detroit.....	5 00
Aug. 18, 1909..Kellie, Ronald S., Detroit.....	1 00
Aug. 18, 1908..Kellie, Ronald S., Detroit.....	2 00
Sept. 2, 1907..Kent, C. A., Detroit.....	5 00
June 8, 1908..Kerr, A. W., Calumet.....	5 00
June 8, 1908..Kilbourne, S. L., Lansing.....	5 00
July 4, 1907..Kiley, John J., Monroe.....	5 00
Aug. 18, 1909..Kinnane, John E., Bay City.....	1 00
Aug. 18, 1909..Kinnane, John E., Bay City.....	1 00
Aug. 8, 1907..Kleinhaus & Knappen, Grand Rapids.....	10 00
June 8, 1908..Kleinhaus & Knappen, Grand Rapids.....	10 00
July 5, 1907..Knappen, L. E., Grand Rapids.....	5 00
Aug. 26, 1909..Knappen, Loyal E., Grand Rapids.....	5 00
Sept. 26, 1909..Lacy, Arthur J., Detroit.....	1 00
July 1, 1907..Landman, Wm. J., Grand Rapids.....	1 00
July 4, 1907..Landon, Geo. M., Monroe.....	5 00
July 31, 1908..Langdon, R. V., North Branch.....	2 00
July 4, 1907..Larson, O. J., Duluth, Minn.....	2 00
Sept. 25, 1908..Latting, Raymond A., Grand Ledge.....	1 00
July 10, 1908..Larson, O. J., Duluth, Minn.....	2 00
June 25, 1908..Lawton, S. D., Hancock.....	5 00

Sept. 18, 1908..	Legg, Harley K., Detroit.....	2 00
Jan. 20, 1909..	Lenawee Co. Bar Ass'n.....	25 00
July 4, 1907..	Lockwood, Harry A., Monroe.....	5 00
Sept. 26, 1909..	Lockwood, H. A., Detroit.....	5 00
June 8, 1908..	Lombard & Hext, Grand Rapids.....	5 00
July 31, 1908..	Loughnane, John, Lapeer.....	2 00
June 8, 1908..	Looney, R. T., Houghton.....	3 00
June 8, 1908..	Legris, Louis N., Houghton.....	5 00
June 25, 1908..	Lucas, Anthony, Calumet.....	2 00
Aug. 16, 1909..	Maynard, Fred A., Helena, Mont.....	1 00
Aug. 4, 1908..	McAlvay, Aaron V., Lansing.....	5 00
Sept. 18, 1908..	McCall, L. H., Charlotte.....	1 00
Aug. 18, 1908..	McDonald, Chas. S., Detroit.....	2 00
June 25, 1908..	MacDonald, W. J., Calumet.....	5 00
June 8, 1908..	McCormick, E., Calumet.....	2 00
Sept. 25, 1908..	McPeck, R. R., Charlotte.....	1 00
June 8, 1908..	Maybury, Lucking, Emmons & Helfman, Detroit....	5 00
June 25, 1907..	Merrick, Benj. P., Grand Rapids.....	10 00
June 8, 1908..	Miller, A. E., Marquette.....	3 00
June 25, 1907..	Miller, Sidney T., Detroit.....	10 00
July 10, 1907..	Montgomery, R. M., Lansing.....	5 00
Aug. 4, 1908..	Montgomery, R. M., Lansing.....	5 00
Aug. 10, 1909..	Merriam, S. L., Detroit.....	1 00
July 5, 1907..	Moore, Jos. B., Lansing.....	5 00
July 10, 1907..	Moore, Standart & Drake, Detroit.....	5 00
Sept. 26, 1909..	Moore, Jos. B., Lansing.....	2 00
Aug. 18, 1908..	Nadolleck, George L., Detroit.....	2 00
Sept. 25, 1908..	Nagle, John W., Middleville.....	1 00
Sept. 25, 1908..	Nichols, John C., Charlotte.....	1 00
June 8, 1907..	Nichols, Jason E., Lansing.....	5 00
July 5, 1907..	Nichols, C. W., Lansing.....	5 00
June 25, 1908..	O'Brien, P. H., Larium.....	2 00
Jan. 20, 1909..	O'Mealey, Judge J. L., Adrian.....	10 00
July 4, 1907..	Ostrander, Russell C., Lansing.....	10 00
Sept. 25, 1908..	Partlow, Harry H., Grand Ledge.....	1 00
Oct. 7, 1907..	Patterson, John C., Marshall.....	2 00
June 8, 1908..	Perkins, Willis B., Grand Rapids.....	5 00
July 31, 1908..	Perkins, W. H., Lapeer.....	2 00
July 4, 1907..	Perry, C. W., Clare.....	2 00
Sept. 26, 1909..	Perry, C. W., Clare.....	1 00
June 8, 1908..	Person, Rollin H., Lansing.....	5 00
Sept. 25, 1908..	Peters, Elmer N., Charlotte.....	1 00
June 8, 1908..	Petermann, A. E., Calumet.....	5 00
June 8, 1908..	Peters, F. S., Lansing.....	2 00
June 8, 1908..	Pierce & Kannane, Bay City.....	3 00
June 8, 1908..	Potter, W. T., Marquette.....	2 00
Sept. 25, 1909..	Potter, W. H., Hastings.....	1 00
July 4, 1907..	Price, Richard, Jackson.....	2 00
Aug. 10, 1909..	Price, Richard, Jackson.....	1 00
July 14, 1908..	Rees, Allen F., Houghton.....	25 00
Nov. 11, 1909..	Riley, M. M., Bessemer.....	3 00
July 29, 1908..	Robinson, Deen L., Houghton.....	5 00
June 25, 1907..	Robson, Frank E., Detroit.....	5 00
Sept. 25, 1908..	Pryor, L. H., Hastings.....	1 00
July 31, 1908..	Reed, B. F., Lapeer.....	2 00
July 4, 1907..	Root, Jesse H., Monroe.....	3 00
Sept. 29, 1908..	Rosenberg, Louis J., Detroit.....	3 00
July 10, 1908..	Rowland, O. W.....	1 00

Aug. 18, 1908..	Rundell & Stockton, Flint.....	2 00
Aug. 21, 1907..	Sawyer, A. L., Menominee.....	2 00
July 4, 1907..	Sharpe, Nelson, West Branch.....	5 00
July 20, 1907..	Shaw, Warren, Cady & Oakes, Detroit.....	10 00
July 29, 1908..	Shelden, R. Skiff, Houghton.....	25 00
Aug. 26, 1909..	Shepherd, Jas. F., Cheboygan.....	1 00
June 8, 1908..	Sherwood, M. J., Marquette.....	2 00
June 8, 1908..	Silsbee, H. A., Lansing.....	2 00
Aug. 12, 1909..	Sloman, Adolph, Detroit.....	2 00
Aug. 12, 1909..	Sloman, Edmund, Detroit.....	1 00
June 8, 1908..	Smedley, Hall & Freeland, Grand Rapids.....	5 00
Sept. 25, 1908..	Smith, Clement, Hastings.....	1 00
Sept. 25, 1908..	Smith, John M., Charlotte.....	1 00
July 31, 1908..	Smith, Herbert W., Lapeer.....	2 00
Aug. 26, 1909..	Smith, John R., Denver, Colo.....	2 00
Aug. 26, 1909..	Smith, Henry C., Adrian.....	2 00
Aug. 26, 1909..	Smith, Wm. M., St. Johns.....	2 00
July 4, 1907..	Spalding, George, Monroe.....	5 00
June 25, 1907..	Stearns, A. M., Kalamazoo.....	2 00
Aug. 27, 1908..	Stearns, Willard, Adrian.....	2 00
July 8, 1907..	Steere, J. H., Sault Ste. Marie.....	5 00
July 8, 1907..	Stevens, Frederick W., Detroit.....	10 00
July 3, 1908..	Stevens, Frederick W., Detroit.....	10 00
Aug. 26, 1909..	Stivers, Frank A., Ann Arbor.....	1 00
July 29, 1908..	Streeter, A. T., Houghton.....	8 00
June 8, 1908..	Stone, J. W., Marquette.....	10 00
Sept. 25, 1908..	Sullivan, Thomas, Hastings.....	1 00
Aug. 26, 1909..	Sullivan, Thos., Hastings.....	1 00
July 2, 1907..	Sweet, Chas. E., Dowagiac.....	2 00
June 8, 1908..	Taggart, Denison & Wilson, Grand Rapids.....	15 00
June 8, 1908..	Taggart & Taggart, Grand Rapids.....	5 00
Aug. 21, 1907..	Taylor, Oria B., Detroit.....	5 00
July 9, 1907..	Taylor, W. R., Kalamazoo.....	2 00
July 31, 1908..	Taylor, T. C., Almont.....	2 00
June 8, 1908..	Thomas, Cummings & Nichols, Lansing.....	5 00
July 10, 1908..	Titus, Lincoln H., Paw Paw.....	1 00
June 8, 1908..	Tuttle, McArthur & Dunnebacke, Lansing.....	5 00
July 23, 1907..	Tuttle, A. J., Leslie.....	2 00
Aug. 18, 1908..	Walker & Spalding, Detroit.....	10 00
June 25, 1907..	Walters, Henry C., Detroit.....
July 10, 1908..	Warner, Glenn E., Paw Paw.....	1 00
Sept. 15, 1908..	Weider, Herman A., Houghton.....	2 00
Aug. 19, 1908..	Wicker, W. W., Detroit.....	5 00
Aug. 11, 1909..	Wilkins, Chas. T., Detroit.....	2 00
Aug. 18, 1909..	Williams, Thomas V., Marquette.....	1 00
July 31, 1909..	Williams, W. B., Lapeer.....	2 00
Aug. 26, 1909..	Williams, Arthur B., Battle Creek.....	2 00
Aug. 26, 1909..	Woodruff, Chas. M., Detroit.....	1 00
Aug. 26, 1909..	Woodruff, Chas. M., Detroit.....	1 00
Aug. 26, 1909..	Wolf, G. A., Grand Rapids.....	1 00
July 9, 1907..	Wilson, Thos. A., Jackson.....	10 00
Sept. 11, 1907..	Wolf, G. A., Grand Rapids.....	2 00
June 8, 1908..	Wykes, Roger I., Grand Rapids.....	2 00
Aug. 10, 1909..	Yerkes, George B., Detroit.....	1 00

TREASURER'S REPORT, 1909

To amount received from W. K. Clute, Treas...\$ 371 11
To amount received from W. J. Landman, Sec'y. 870 00

1908.		
Aug. 23.	Total Receipts to date.....	\$1,241 11
Aug. 23.	Total Disbursements to date.....	937 02
Aug. 23.	Balance on Hand at date.....	\$ 304 09

The Following is an Itemized Statement of Receipts and Disbursements of
William E. Brown, Treasurer of Michigan State Bar Ass'n.

1908.			
July 6.	To amount received from W. K. Clute, Treas...	\$ 371 11	
" 6.	By Ck. No. 1, West Mich. Ptg. Co., printing....		\$ 8 50
" 6.	" " No. 2, The Pantlind, for Judge Grosscup		5 75
" 6.	" " No. 3, Judge Peter S. Grosscup, exp....		11 75
" 11.	" " No. 4, Taggart, Denison & Willson, exp..		13 28
" 11.	" " No. 5, Bender & Bender, stenographic report		40 95
" 21.	" " No. 6, F. W. Stevens, postage.....		2 00
Aug. 3.	" " No. 7, West Mich. Ptg. Co., printing....		5 25
" 8.	" " No. 8, W. J. Landman, postage and exp.		75 00
" 8.	" " No. 9, Record Printing Co., printing....		10 00
Oct. 3.	" " No. 10, West Mich. Ptg. Co., printing....		97 50
" 3.	" " No. 11, W. J. Landman, expense.....		50 00
" 10.	To dues from W. J. Landman, Secretary.....	64 00	
" 23.	By Ck. No. 12, Taggart, Dennison & Willson, exp.		1 61
" 23.	" " No. 13, West Mich. Ptg. Co., printing....		2 75
Nov. 13.	" " No. 14, W. K. Clute, expense, meeting Directors		9 18
" 13.	" " No. 15, Harry C. Howard, expense, meet- ing Directors		7 49
" 13.	" " No. 16, W. J. Landman, expense, meet- ing Directors		8 13
" 24.	" " No. 17, W. S. Humphrey, expense, meet- ing Directors		5 25
Dec. 31.	To dues from W. J. Landman, Secretary.....	81 00	
" 31.	By Ck. No. 18, and No. 18a, West Mich. Ptg. Co., printing		174 80
1909.			
Jan. 28.	To dues from W. J. Landman, Secretary.....	66 00	
" 28.	" " " " " " " "	66 00	
Feb. 6.	" " " " " " " "	65 00	
" 6.	" " " " " " " "	66 00	
" 6.	" " " " " " " "	66 00	
" 17.	" " " " " " " "	66 00	
Mar. 3.	By Ck. No. 19, West Mich. Ptg. Co., for printing		6 75
" 3.	" " No. 20, W. J. Landman, salary and exp.		137 00
" 31.	To dues from W. J. Landman, Secretary.....	66 00	

TREASURER'S REPORT

April	9.	By Ck. No. 21, West Mich. Ptg. Co., printing....		2 25
"	15.	To dues from W. J. Landman, Secretary.....	66 00	
"	15.	By Ck. No. 22, West Mich. Ptg. Co., printing....		2 25
"	28.	" " No. 23, W. J. Landman, Sec'y, expenses..		32 35
"	28.	" " No. 24, R. R. Pealer, expenses Director..		11 16
"	28.	" " No. 25, W. K. Clute, expenses Director...		10 88
May	5.	To dues from W. J. Landman, Secretary.....	66 00	
"	22.	By Ck. No. 26, N. O. Griswold, expense, Director		14 44
June	5.	To dues from W. J. Landman, Secretary.....	66.00	
"	11.	By Ck. No. 27, M. B. Danaher, expense, Director		4 50
July	7.	" " No. 28, W. J. Landman, salary to 7-1-09.		100 00
Aug.	10.	To dues from W. J. Landman, Secretary.....	66 00	
"	5.	By Ck. No. 29, The Hensen Ptg. Co., printing...		41 75
"	5.	" " No. 30, W. J. Landman, expense.....		44 50
"	23.	AMOUNT ON HAND.....		304 09
				<hr/>
				\$1,241 11 \$1,241 11

WM. E. BROWN, Treasurer.

To the Officers and Members of
the Michigan State Bar Association:

Your committee appointed to audit the accounts of the Treasurer and Secretary and to look over the books, have performed the service and find the same to be regular and correct, leaving on hand with the Treasurer the sum of \$304.09 and in the hands of the Secretary the sum of \$22, making a total of \$326.09.

HENRY C. SMITH,
M. B. DANAHER,
N. O. GRISWOLD,
Committee.

August 26th, 1909.

REPORT OF TREASURER 1910

William E. Brown, Treasurer, in Account with The Michigan State Bar Ass'n.

1909.		Dr.	
Aug. 23.	To Amount on Hand.....	\$	304 09
Dec. 8.	" Dues from Secretary.....		68 00
1910.			
Jan. 19.	" " " "		222 00
Feb. 1.	" " " "		68 00
" 23.	" " " "		136 00
Mar. 24.	" " " "		68 00
June 4.	" " " "		68 00
July 21.	" " " "		68 00

Total Receipts \$1,002 09

1909.		Cr. by Disbursements.	
Sept. 9.	By Ck. and Voucher No. 31, Seth W. Knight.....	\$	1 00
" 17.	" " " " No. 32, The Hensen Ptg. Co.		3 50
Oct. 2.	" " " " No. 33, The Hensen Ptg. Co.		2 50
Nov. 9.	" " " " No. 34, W. J. Landman.....		24 00
Dec. 8.	" " " " No. 35, The Hensen Ptg. Co.		3 75
1910.			
Jan. 15.	" " " " No. 36, W. J. Landman.....		100 00
" 15.	" " " " No. 37, West Mich. Ptg. Co.		2 50
" 22.	" " " " No. 38, Wm. J. Landman... ..		30 00
April 25.	" " " " No. 39, West Mich. Ptg. Co.		3 00
June 4.	" " " " No. 40, W. J. Landman.....		34 94
" 25.	" " " " No. 41, West Mich. Ptg. Co.		11 00
July 11.	" " " " No. 43, West Mich. Ptg. Co.		4 50
" 11.	" " " " No. 43, G. R. Typ. & Sup. Co.		1 50
" 11.	" " " " No. 44, Wm. J. Landman... ..		100 00
" 26.	Balance on Hand.....		679 90

\$1,002 09

WM. E. BROWN, Treasurer.

To the Officers and Members of
the Michigan State Bar Association:

Your committee appointed to audit the accounts of the Treasurer and Secretary and to look over the books, have performed that duty and find the books and accounts to be regular and correct, and that they show a balance in the hands of the Treasurer of the sum of \$679.90 and in the hands of the Secretary \$78.00, making a total of \$757.90.

A. B. ELDRIDGE,
GRANT FELLOWS,
A. E. MILLER,

Committee.

Marquette, Mich., July 27, 1910.

OFFICERS AND COMMITTEES

OF

THE MICHIGAN STATE BAR ASSOCIATION

1910-11.

President.....C. W. PERRY, Clare
 Vice-President.....A. B. ELDREDGE, Marquette
 Secretary.....WM. J. LANDMAN, Grand Rapids
 Treasurer.....WM. E. BROWN, Lapeer

BOARD OF DIRECTORS

First Congressional District.....	H. H. EMMONS.....	Detroit
Second " "	GRANT FELLOWS.....	Hudson
Third " "	DALLAS BOUDEMAN.....	Kalamazoo
Fourth " "	VICTOR M. GORE.....	Benton Harbor
Fifth " "	P. H. TRAVIS.....	Grand Rapids
Sixth " "	CHAS. W. MCGILL.....	Lansing
Seventh " "	EUGENE F. LAW.....	Port Huron
Eighth " "	WATTS S. HUMPHREY.....	Saginaw
Ninth " "	WM. CARPENTER.....	Muskegon
Tenth " "	H. M. GILLETT.....	Bay City
Eleventh " "	F. H. DODDS.....	Mt. Pleasant
Twelfth " "	WM. P. BELDEN.....	Ishpeming

EXECUTIVE COMMITTEE

Burritt Hamilton, Chairman, Battle Creek.
 Arthur B. Williams, Battle Creek. Edward R. Loud, Albion.

COMMITTEE ON LEGISLATION AND LAW REFORM

Charles W. Nichols, Chairman, Lansing.
 Levi L. Barbour, Detroit. William M. Smith, St. Johns.
 Stuart E. Knappen, Grand Rapids. Thomas E. Barkworth, Jackson.

COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO THE BAR

Wesley W. Hyde, Chairman, Grand Rapids.
 Victor H. Lane, Ann Arbor. William P. Belden, Ishpeming.
 Malcolm McGregor, Detroit. John B. Shipman, Coldwater.

COMMITTEE ON GRIEVANCES

A. E. Miller, Chairman, Marquette.
 Charles T. Russell, Mt. Pleasant. Walter R. Taylor, Kalamazoo.
 Bethune Duffield, Detroit. Albert E. Sharpe, Sault Ste. Marie.

COMMITTEE ON MEMBERSHIP

Jesse Arthur, Chairman, Battle Creek.
 Hal H. Smith, Detroit. William J. Landman, Grand Rapids.

SPECIAL COMMITTEE ON THE MATTER OF SECURING A COMMISSION TO CODIFY CERTAIN LAWS

Arthur J. Lacy, Chairman, Detroit.
 Frank S. Pratt, Bay City. Robert E. Bunker, Ann Arbor.

ALPHABETICAL LIST OF MEMBERS

A

Abbott, Fred H.....Crystal Falls
 Adams, John Q.....Negaunee
 Aitken, D. D.....Flint
 Alexander, Cassius.....Grand Ledge
 Alexander, Geo. L.....Grayling
 Alexander, W. B.....Adrian
 Anderson, David.....Paw Paw
 Anderson, John W., 68 Moffat Bldg.....Detroit
 Andrews, Bishop E.....Three Rivers
 Angell, Alexis C., Union Trust Bldg.....Detroit
 Anneke, Edward E.....Bay City
 Antisdel, John P., 60 Buhl Block.....Detroit
 Arthur, Jesse.....Battle Creek
 Avery, Lincoln.....Port Huron

B

Backus, Ella M., Government Bldg.....Grand Rapids
 Bacon, N. H.....Niles
 Badgely, Clyde.....Jackson
 Baillie, Thos.....Saginaw
 Baker, F. A., 30 Whitney Opera House.....Detroit
 Baker, Orlando H., 609 Eddy Bldg.....Saginaw
 Baldwin, Clarke E.....Adrian
 Ball, Dan H.....Marquette
 Ball, Jas. E.....Marquette
 Bancker, Enoch.....Jackson
 Barbour, Levi L., 29 Buhl Block.....Detroit
 Barkworth, T. E.....Jackson
 Barlow, Burt E.....Coldwater
 Barnett, J. F.....Grand Rapids
 Bartlett, Charles L., 611 Hammond Bldg.....Detroit
 Bates, Geo. W., 32 Buhl Block.....Detroit
 Bates, Henry M.....Ann Arbor
 Beach, Emmet L.....Saginaw
 Beaumont, John W., 1124 Ford Bldg.....Detroit
 Beckwith, L. G.....Bay City
 Belcher, Charles N.....Manistee
 Belden, Wm. P.....Ishpeming
 Bell, Frank A.....Negaunee
 Benjamin, Maxwell W.....Cheboygan
 Bennett, A.....Adrian
 Berg, Fred H.....Ishpeming
 Bigelow, Nelson C., 8 Buhl Block.....Detroit
 Bird, John E.....Lansing
 Bissell, John H., 80 Griswold St.....Detroit
 Black, C. P., Dodge Block.....Lansing

Black, E. S.	Marine City
Blair, Chas. A.	Lansing
Blair, Chas. B., Michigan Trust Co. Bldg.	Grand Rapids
Bodman, Henry E., Union Trust Bldg.	Detroit
Boltwood, Lucius, Michigan Trust Co. Bldg.	Grand Rapids
Bope, Wm. T.	Bad Axe
Boudeman, Dallas	Kalamazoo
Bowen, Herbert, Moffat Bldg.	Detroit
Bowman, E. J.	Greenville
Boyd, J. L.	Kalkaska
Boynton, Herbert E., Union Trust Bldg.	Detroit
Bradfield, Thos. P., Michigan Trust Co. Bldg.	Grand Rapids
Brewster, Jas. H.	Ann Arbor
Briggs, Henry C.	Kalamazoo
Brooks, Edward L.	Fremont
Brooks, Melville D.	Saginaw
Brooks, Walter H.	Grand Rapids
Broomfield, Archibald	Big Rapids
Brown, Bayard T., 60 Buhl Block.	Detroit
Brown, Henry B., U. S. Supreme Court.	Washington, D. C.
Brown, J. Earle.	St. Johns
Brown, Wm. E.	Lapeer
Bulkley, Harry C., Union Trust Bldg.	Detroit
Bundy, McGeorge, Michigan Trust Co. Bldg.	Grand Rapids
Bunker, Robt. E.	Ann Arbor
Bunting, A. F.	Detroit
Burritt, W. A.	Hancock
Bush, Matthew	Corunna
Butler, Jefferson, 79 Home Bank Bldg.	Detroit
Butterfield, O. E., care M. C. R. R. Co.	Detroit
Butterfield, Roger C., Michigan Trust Co. Bldg.	Grand Rapids
Butterfield, R. W., Michigan Trust Co. Bldg.	Grand Rapids
Butzel, Henry M., 511 Union Trust Bldg.	Detroit
Byers, I. W.	Iron River

C

Cady, Alvah P.	Benton Harbor
Cahill, Edward	Lansing
Campau, Francis D., Michigan Trust Co. Bldg.	Grand Rapids
Campbell, Arthur D., Penobscot Bldg.	Detroit
Campbell, Chas. H., Union Trust Bldg.	Detroit
Campbell, Colln P., Widdicomb Bldg.	Grand Rapids
Campbell, Henry M., Union Trust Bldg.	Detroit
Campbell, Jas. H., Michigan Trust Co. Bldg.	Grand Rapids
Canfield, F. H., Moffat Bldg.	Detroit
Carmody, Martin H., Houseman Bldg.	Grand Rapids
Carpenter, Eugene	Grand Rapids
Carpenter, Wm. L.	Lansing
Carpenter, Wm.	Muskegon
Carton, John J.	Flint
Cassidy, Daniel P., Moffat Bldg.	Detroit
Cavanaugh, H. W.	Homer
Cavanaugh, M. J.	Ann Arbor
Cavanaugh, Thos. J.	Paw Paw
Chadbourne, T. L.	Houghton
Chaddock, C. J.	Muskegon
Chamberlain, Robt. M., Moffat Bldg.	Detroit
Champion, Chas. U.	Coldwater

Chandler, A. L.	Owosso
Chandler, Bert D.	Hudson
Chandler, J. E.	South Haven
Chappell, Fred L.	Kalamazoo
Chase, Henry E.	Lansing
Chase, Russell M.	Paw Paw
Choate, Ward N., Majestic Bldg.	Detroit
Clapperton, Geo., Michigan Trust Co. Bldg.	Grand Rapids
Clark, Clarence D.	Northville
Clark, E. S.	Bay City
Clark, Geo. W.	Bad Axe
Clark, Harlow A.	Marquette
Clark, Herbert R.	Adrian
Clark, Joseph H., Hammond Bldg.	Detroit
Clark, Levert, Buhl Block.	Detroit
Clute, Wm. K., Government Bldg.	Grand Rapids
Cobb, Geo. P.	Bay City
Cobb, W. S.	Jackson
Codd, Geo. P., Hammond Bldg.	Detroit
Colgrove, P. T.	Hastings
Collins, Chester L.	Bay City
Collins, L. H., Buhl Block.	Detroit
Collins, W. A.	West Bay City
Cook, Frank C., Majestic Bldg.	Detroit
Cook, Geo. W.	Flint
Cook, H. T.	South Haven
Cooley, Edgar A.	Bay City
Coolidge, Orville W.	Niles
Corgan, Harry	Hancock
Corwin, Benn M., Houseman Bldg.	Grand Rapids
Couch, John A., Aqueduct Bldg.	Rochester, N. Y.
Covert, Arthur H., 43 Detroit Opera House Bldg.	Detroit
Cowles, Israel T., Union Trust Bldg.	Detroit
Crane, Albert, Michigan Trust Co. Bldg.	Grand Rapids
Crane, R. F.	Saginaw
Crane, Wm. E.	Saginaw, W. S.
Creswell, Harry L., Houseman Bldg.	Grand Rapids
Crocker, Martin	Mt. Clemens
Cropsey, Jesse R.	Vicksburg
Crosby, Frank N., Union Trust Bldg.	Detroit
Cross, Chas. B.	Muskegon
Culver, Adelbert	Albion
Cummins, Alva M.	Lansing
Cummins, Geo. J.	Harrison
Cuminskey, John	Escanaba

D

Danaher, M. B.	Ludington
Davis, E. M.	Ionia
Davis, F. D. M.	Ionia
Davis, Geo. W.	Saginaw
Davis, H. C.	Traverse City
Davitt, James H.	Saginaw
Dawson, Wm.	Sandusky
Day, A. G.	Newaygo
Deland, Chas. J.	Jackson
Denby, Edwin, 416 Moffat Bldg.	Detroit
Denison, Arthur C., Government Bldg.	Grand Rapids

Dennison, Edward J.....	Marshall
DeWaele, Charles L.....	Roscommon
Dickinson, Don M., Union Trust Bldg.....	Detroit
Dickinson, J. G., Newberry Bldg.....	Detroit
Diekema, G. J.....	Holland
Dodds, Francis H.....	Mt. Pleasant
Dodds, Peter F.....	Mt. Pleasant
Dodge, Frank L.....	Lansing
Doetsch, Felix A., Hammond Bldg.....	Detroit
Donnelly, James	Bay City
Donnelly, John C., Moffat Bldg.....	Detroit
Doran, Peter, Fourth National Bank Building.....	Grand Rapids
Douglas, Samuel T., Moffat Bldg.....	Detroit
Duffield, Bethune, Union Trust Bldg.....	Detroit
Duffield, Henry M., Union Trust Bldg.....	Detroit
Duffy, James E.....	Bay City
Duffy, John L.....	Ann Arbor
Dunham, M. L., Widdicomb Bldg.....	Grand Rapids
Dunnebacke, Jos. H.....	Lansing
Durand, C. A.....	Flint
Durand, L. T.....	Saginaw
Durfee, Edgar O., Probate Court.....	Detroit

E

Earl, Otis A.....	Kalamazoo
Edgerton, J. M.....	Negaunee
Eldredge, A. B.....	Marquette
Ellis, A. A., Michigan Trust Co. Bldg.....	Grand Rapids
Emmons, Harold H., Moffat Bldg.....	Detroit
Engle, Seth E., Whitney Bldg.....	Detroit

F

Farr, George A.....	Grand Haven
Farr, Geo. A., Jr.....	Grand Haven
Fellows, Grant	Hudson
Finnegan, J. T.....	Hancock
Finney, J. W., Peninsular Bank Bldg.....	Detroit
Fitzpatrick, W. G., Whitney Bldg.....	Detroit
Flannigan, R. C.....	Norway
Flowers, Charles, Hammond Bldg.....	Detroit
Foster, Chas. W.....	Lansing
Foster, Isaac	Gladwin
Foster, Walter S.....	Lansing
Fowler, Frank L., 1412 Hartford Bldg.....	Chicago
Fowler, George B., Hammond Bldg.....	Detroit
Fox, Wm. D., 66 Home Bank Bldg.....	Detroit
Frances, James	Alpena
Free, A. L.....	Paw Paw
Freeland, Homer H.....	Grand Rapids
Freeman, A. F.....	Ann Arbor
Freeman, F. M.....	Manchester
Freeman, Henry B.....	Munising

G

Gaffney, F. O.....	Cadillac
Gage, Wm. G.....	Saginaw
Galbraith, Wm. J.....	Calumet

Gardner, Henry M.....	Lansing
Gardner, L. B.....	Lansing
Gates, Jasper C., McGraw Bldg.....	Detroit
Gillett, H. M.....	Bay City
Gillett, W. J., Board of Trade Bldg.....	Grand Rapids
Gleason, Clark H., Powers' Opera House Bldg.....	Grand Rapids
Goff, John H., Union Trust Bldg.....	Detroit
Golden, C. A.....	Monroe
Gordon, Wm. D.....	Midland
Gore, Victor M.....	Benton Harbor
Grace, William C.....	Kalamazoo
Grant, C. B.....	Lansing
Graves, Frank P.....	St. Joseph
Graves, Henry B., Hammond Bldg.....	Detroit
Gray, Robt. T., Ford Bldg.....	Detroit
Gray, Wm. J., Ford Bldg.....	Detroit
Griswold, N. O.....	Greenville
Groesbeck, A. J., 602 Majestic Bldg.....	Detroit
Guise, Frank P., Moffat Bldg.....	Detroit

H

Halre, Norman W.....	Houghton
Hall, A. B., 716 Hammond Bldg.....	Detroit
Hall, Clare J.....	Grand Rapids
Hall, DeVere.....	Bay City
Hambitzer, J. F.....	Houghton
Hamblen, Jos. G., Jr., 904 Union Trust Bldg.....	Detroit
Hamilton, Burritt, Hofmaster Bldg.....	Battle Creek
Hanchette, Charles D.....	Hancock
Handy, S. T.....	Sault Ste. Marie
Hanson, Winfield S.....	Hart
Harmon, Henry A., Buhl Blk.....	Detroit
Harris, J. M.....	Boyer City
Harrington, Leon W., Michigan Trust Co. Bldg.....	Grand Rapids
Harvey, G. Wm.....	Pentwater
Hatch, Harvey Burright.....	Marquette
Hatch, Reuben, Widdcomb Bldg.....	Grand Rapids
Hatch, W. B.....	Ypsilanti
Hawkins, Victor.....	Jonesville
Hayden Chas. Howe.....	Lansing
Hayden, Asa K.....	Cassapolis
Heald, Henry T., Board of Trade Bldg.....	Grand Rapids
Hefferman, J. L.....	Marquette
Heineman, D. E., Moffat Bldg.....	Detroit
Heifman, Harry, Moffat Bldg.....	Detroit
Hemans, Lawton T.....	Mason
Hendee, J. B.....	Eaton Rapids
Hendryx, Coy W.....	Dowagiac
Hess, Frank A., Police Court.....	Grand Rapids
Hewitt, Adolphus E.....	Jackson
Hewitt, John C.....	Bay City
Hext, Chas. F., Fourth National Bank Bldg.....	Grand Rapids
Hicks, Wm C.....	Benton Harbor
Higbee, Clark E., Houseman Bldg.....	Grand Rapids
Hill, W. S.....	Marquette
Hindman, A. C., Houseman Bldg.....	Grand Rapids
Hitchcock, Chas. W.....	Bay City
Hixson, Virgil I.....	Manistique

Hoffman, Henry	St. Ignace
Holden, L. C.	Sault Ste. Marie
Holmes, Clyde J., Houseman Bldg.	Grand Rapids
Holmes, Glenn W., Houseman Bldg.	Grand Rapids
Hood, Oscar J.	Lansing
Hooker, Frank A.	Lansing
Hooker, Harry E.	Lansing
Hopkins, Chas. C.	Lansing
Hosmer, Geo. S., Wayne County Bldg.	Detroit
Hovey, Cyrus A.	Port Huron
Howard, Harry C.	Kalamazoo
Hoyt, Hobart B., Union Trust Co.	Detroit
Hoyt, Wm. E.	Muskegon
Hudson, Roberts P.	Sault Ste. Marie
Humphrey, Charles M.	Ironwood
Humphrey, Leonard T.	Coldwater
Humphrey, Watts S.	Saginaw
Hunt, Harry E., Ford Bldg.	Detroit
Hutchins, Harry B.	Ann Arbor
Hutton, Henry C.	Ludington
Hyde, Wesley W., Michigan Trust Co. Bldg.	Grand Rapids

I

Irish, E. M.	Kalamazoo
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J

James, Delbert C., Chamber of Commerce.	Detroit
January, W. L., Buhl Bldg.	Detroit
Jenkins, Frank E.	Oxford
Jenks, W. L.	Port Huron
Jenney, Wm. S.	Mt. Clemens
Jennings, Ira C.	Escanaba
Jewell, Harry D.	Grand Rapids
Jewett, Henry R.	Adrian
Johnston, A. W., Houseman Bldg.	Grand Rapids
Jones, Arthur, Hammond Bldg.	Detroit
Jones, Frank E.	Ann Arbor
Jones, John	Ontonagon
Jones, Walter C.	Marcellus
Joslin, Theo. M.	Adrian
Joslyn, C. D., Ford Bldg.	Detroit
Joslyn, Lee E.	Bay City
Jurma, A. W.	Ishpeming

K

Keating, Frank L.	Pellston
Keena, James T., Penobscot Bldg.	Detroit
Keeney, Willard F., Michigan Trust Co. Bldg.	Grand Rapids
Keiser, A. A.	Ludington
Kellie, Ronald, Hammond Bldg.	Detroit
Kerr, Angus W.	Calumet
Ketcham, Clyde W.	Dowagiac
Kiskela, John	Hancock
Kilbourne, S. L.	Lansing
Kilpatrick, Wm.	Owosso
King, Robt. L.	Bay City
Kingsley, Willard, Houseman Bldg.	Grand Rapids
Kinnane, J. E.	Bay City

Kinnane, Jas. H.....	Dowagiac
Kinne, E. D.....	Ann Arbor
Kinney, W. L.....	Marion
Kinsman, Geo. O.....	Oxford
Kirkby, Elmer	Jackson
Kleinfeld, Frank F.....	Saginaw
Kleinhans, Jacob, Michigan Trust Co. Bldg.....	Grand Rapids
Knappen, F. E.....	Kalamazoo
Knappen, Loyal E., Government Bldg.....	Grand Rapids
Knappen, Stuart E., Michigan Trust Co. Bldg.....	Grand Rapids
Knowles, R. D.....	Jackson
Kuhn, Franz C.....	Mt. Clemens

L

Lacy, A. J., Ford Bldg.....	Detroit
Ladd, S. W.....	Port Huron
Lane, Victor H.....	Ann Arbor
Lane, Wm. P., 80 Griswold St.....	Detroit
Landman, Wm. J., Houseman Bldg.....	Grand Rapids
Landon, Geo. M.....	Monroe
Langley, Jas. P., Majestic Bldg.....	Detroit
Larwill, Harry L.....	Adrian
Law, Eugene F.....	Port Huron
Lawton, Eugene W.....	Lawton
Lawton, Swaby L.....	Hancock
Lee, Ed. S.....	Flint
Legris, Louis N.....	Houghton
Lewis, Lynn J.....	Bangor
Lewis, Milo	Greenville
Lightner, Clarence A., Penobscot Bldg.....	Detroit
Lockwood, H. A., Ford Bldg.....	Detroit
Lombard, James A., Fourth National Bank Bldg.....	Grand Rapids
Loud, Edw. R.....	Albion
Love, Charles E., Moffat Bldg.....	Detroit
Luckling, Alfred, Moffat Bldg.....	Detroit
Luton, Geo.	Newaygo
Lyon, Edwin H.....	St. Johns

Mc

McAllister, J. T., Wonderly Bldg.....	Grand Rapids
McAlvay, A. V.....	Lansing
McBride, Charles H.....	Holland
McCall, A.....	Ithaca
McCall, R.....	Ithaca
McCarthy, John J.....	Standish
McClellan, John	Lansing
McCorkle, Wm. F., Ford Bldg.....	Detroit
McCurdy, John T.....	Corunna
McDonald, Chas. S., Hammond Bldg.....	Detroit
McDonald, Jas. H., Moffat Bldg.....	Detroit
McDonald, J. S., Court House.....	Grand Rapids
McDonald, M. F.....	Sault Ste. Marie
McGill, Charles W.....	Lansing
McGregor, Malcolm, Home Bank Bldg.....	Detroit
McGurrin, Chas. H.....	Kalamazoo
McHugh, Philip A., Majestic Bldg.....	Detroit
McIntyre, D. E.....	Cadillac

McKay, John A.....	Saginaw
McKnight, Wm. F., Wonderly Bldg.....	Grand Rapids
McNally, Eugene A.....	Calumet
McNamara, James	Detroit
McPherson, Charles, P. M. R. R. Co.....	Detroit
McPherran, Edgar W.....	Marquette

M

MacDonald, R. J.....	Muskegon
MacDonald, Wm. J.....	Calumet
MacKay, John D., Home Bank Bldg.....	Detroit
Maguire, Arthur D., Hammond Bldg.....	Detroit
Maher, Edgar A., Aldrich Bldg.....	Grand Rapids
Mallow, Homer R., Congress Hotel Annex.....	Chicago, Ill
Manchester, Wm. C., Buhl Block.....	Detroit
Mapes, Carl E., Michigan Trust Co. Bldg.....	Grand Rapids
Marsh, E. J.....	Big Rapids
Marsh, Pliny W., Chamber of Commerce.....	Detroit
Mason, W. L.....	L'Anse
Master, Sheridan F., Government Bldg.....	Grand Rapids
Maynard, Fred A.....	Helena, Mont.
Maynard, Horace S.....	Charlotte
Mead, F. D.....	Escanaba
Merriam, S. L., Union Trust Bldg.....	Detroit
Merrick, Benj. P., Michigan Trust Co. Bldg.....	Grand Rapids
Michener, Earl C.....	Adrian
Miller, A. E.....	Marquette
Miller, Frederick C.....	Mt. Clemens
Miller, Sidney T., Penobscot Bldg.....	Detroit
Mills, Wade, Union Trust Bldg.....	Detroit
Mills, A. J.....	Kalamazoo
Miner, John W.....	Jackson
Monaghan, Geo. F., Majestic Bldg.....	Detroit
Monroe, S. B.....	Kalamazoo
Montgomery, R. M.....	Washington, D. C.
Montgomery, Stanley D., Board of Trade Bldg.....	Grand Rapids
Moore, Andrew L.....	Pontiac
Moore, Francis M.....	Marquette
Moore, Geo. G.....	Port Huron
Moore, Geo. W., Campau Bldg.....	Detroit
Moore, Jos. B.....	Lansing
Moore, Wm. V., Wayne County Savings Bank Bldg.....	Detroit
More, John E., Michigan Trust Co. Bldg.....	Grand Rapids
Morrissey, Francis M.....	Harrison
Morse, A. B.....	Ionia
Moulton, Luther V., Houseman Bldg.....	Grand Rapids
Mulford, Benj. G., Buhl Block.....	Detroit
Murfin, J. O., Moffat Bldg.....	Detroit

N

Naddollock, Geo. L., care M. C. R. R. Co.....	Detroit
Naegley, Henry E.....	Saginaw
Newton, Frederick W.....	Saginaw
Nichols, Chas. W.....	Lansing
Nichols, Geo. E.....	Ionia
Nichols, Jason E.....	Lansing
Nichols, M. A., Wonderly Bldg.....	Grand Rapids
Norris, Mark, Michigan Trust Co. Bldg.....	Grand Rapids

North, Walter H.....Battle Creek
 Northrup, LeRoyJackson

O

O'Brien, MichaelAlpena
 O'Brien, P. H.....Laurium
 O'Brien, Thos. J., Michigan Trust Co. Bldg.....Grand Rapids
 O'Brien, M. Hubert, care U. S. Court for China.....Shanghai, China
 O'Connor, Jos. J.....L'Anse
 O'Keefe, John F.....Saginaw
 Opsahl, John M.....Menominee
 Oren, H. M.....Sault Ste. Marie
 Osborn, J. W.....Kalamazoo
 Ostrander, Russell C.....Lansing
 Ott, Louis, Buhl Block.....Detroit
 Oxtoby, Jas. V., McGraw Bldg.....Detroit
 Overpack, Roy M.....Manistee

P

Paddock, Lewis H., Penobscot Bldg.....Detroit
 Pagelson, D. F.....Grand Haven
 Paine, DeForest, Penobscot Bldg.....Detroit
 Palmer, L. C.....Stanton
 Palmer, L. G.....Big Rapids
 Parker, Jas. S.....Flint
 Parker, R. A., 12 Hodges Bldg.....Detroit
 Parkinson, J. A.....Jackson
 Partlow, Harry H.....Grand Ledge
 Patterson, John H.....Pontiac
 Pealer, Russell R.....Three Rivers
 Pearl, Benjamin O.....Marquette
 Pendleton, E. W., Penobscot Bldg.....Detroit
 Peterman, Albert E.....Calumet
 Perkins, Cyrus E., Michigan Trust Co. Bldg.....Grand Rapids
 Perkins, Willis B., Court House.....Grand Rapids
 Perry, C. W.....Clare
 Perry, Milton M.....Lowell
 Person, Rollin H.....Lansing
 Person, Seymour H.....Lansing
 Peter, James B.....Saginaw
 Peters, M. B.....Albion
 Phelan, JohnLudington
 Phelps, Earl F.....Grand Rapids
 Phelps, Ralph, Jr., 82 Griswold St.....Detroit
 Porter, Wm. H.....Marshall
 Potter, Waldo T.....Ishpeming
 Potter, Wm. W.....Hastings
 Powers, James M.....Battle Creek
 Pratt, E. S.....Traverse City
 Pratt, Frank S.....Bay City
 Pratt, Fred H.....Traverse City
 Prentiss, Geo. H., Buhl Block.....Detroit
 Price, RichardJackson
 Primeau, Jr., Jos H.....Marquette
 Pringle, EugeneJackson
 Pryor, Lee H.....Hastings
 Purcell, Miles J.....Saginaw

Q

Quinn, Frank Q.....	Saginaw
Quinn, John	Harrison
Quinn, T. C.....	Caro

R

Rarden, C. L.....	Greenville
Rawdin, Edwin	East Tawas
Reasoner, Jas. M.....	Lansing
Rees, Allen F.....	Houghton
Reilly, C. J., Penobscot Bldg.....	Detroit
Rexford, D. C., Buhl Block.....	Detroit
Robbins, John W., 715 18th St.....	Detroit
Roberts, Clinton	Flint
Robinson, Deen L.....	Houghton
Robson, Frank E., 720 Hammond Bldg.....	Detroit
Rockwell, K. P.....	Pontiac
Rosenberg, Louis J.....	Detroit
Ross, John Q.....	Muskegon
Rundell, Warren S.....	Flint
Russell, Chas. T.....	Mt. Pleasant
Russell, Henry (care M. C. R. R.).....	Detroit

S

Sagendorph, D. P.....	Jackson
Salliotte, Ignatius J., Moffat Bldg.....	Detroit
Savery, Wirt L., Majestic Bldg.....	Detroit
Savidge, B. N.....	Reed City
Sawyer, Alvah L.....	Menominee
Sawyer, E. F.....	Cadillac
Scheibner, Charles G., Hammond Bldg.....	Detroit
Searle, K. S.....	Ithaca
Selling, B. B., Hammond Bldg.....	Detroit
Sessions, C. W.....	Muskegon
Sharpe, Albert E.....	Sault Ste. Marie
Sharpe, Nelson.....	West Branch
Shaw, John C., Union Trust Bldg.....	Detroit
Sheldon, R. S.....	Houghton
Shepard, T. F.....	Bay City
Shepherd, James F.....	Cheboygan
Sherwood, M. J.....	Marquette
Shipman, John B.....	Coldwater
Shipman, F. C., Union Trust Bldg.....	Detroit
Shuster, Anson E.....	Ontonagon
Silsbee, Harry A.....	Lansing
Sloman, Adolph, Penobscot Bldg.....	Detroit
Sloman, Edmund, Penobscot Bldg.....	Detroit
Smedley, Chas. O., Houseman Bldg.....	Grand Rapids
Smith, Chas. H.....	Manila, P. I.
Smith, Clement	Hastings
Smith, Ernest C.....	Kalkaska
Smith, Hal H., Hammond Bldg.....	Detroit
Smith, Henry C.....	Adrian
Smith, James Cosslett, 1130 Penobscot Bldg.....	Detroit
Smith, J. M. C.....	Charlotte
Smith, Lawrence W.....	Ionia
Smith, R. W.....	Manistee

Smith, Wallis Craig.....	Saginaw
Smith, Wm. Alden, Wm. Alden Smith Bldg.....	Grand Rapids
Smith, Wm. M.....	St. Johns
Snyder, Emil W., Majestic Bldg.....	Detroit
Speed, John J., Moffat Bldg.....	Detroit
Spencer, James R.....	Iron Mountain
Spier, S. B.....	Mt. Clemens
Sprague, Wm. C., Majestic Bldg.....	Detroit
Stace, Francis A., Michigan Trust Co. Bldg.....	Grand Rapids
Standart, Joseph G., Wayne County Savings Bank Bldg.....	Detroit
St. Clair, John C.....	St. Joseph
Stearns, A. M.....	Kalamazoo
Steere, J. H.....	Sault Ste. Marie
Stein, Christopher, Justice Court.....	Detroit
Stellwagen, A. C., Home Bank Bldg.....	Detroit
Sterling, John J.....	Benton Harbor
Stewart, H. P.....	Kalamazoo
Stewart, N. H.....	Battle Creek
Stewartt, Louis E.....	Battle Creek
Stivers, Frank A.....	Ann Arbor
Stoddard, E. J., 12 Hodges Bldg.....	Detroit
Stone, John W., 222 Genesee St.....	Lansing
Stone, Ralph, Detroit Trust Co.....	Detroit
Stone, W. S.....	Richmond
Storm, Carl T.....	Ann Arbor
Stratton, Chas. W.....	St. Joseph
Streeter, A. T.....	Houghton
Stuart, Wm. J., City Hall.....	Grand Rapids
Sullivan, Frank P.....	Sault Ste. Marie
Sullivan, Jas. E.....	Muskegon
Swan, James, McGraw Bldg.....	Detroit
Swarthout, Elvin, 633 Michigan Trust Co. Bldg.....	Grand Rapids
Sweet, Chas. E.....	Dowagiac

T

Tabor, L. A.....	Lawton
Taggart, Edward, Michigan Trust Co. Bldg.....	Grand Rapids
Taggart, Ganson, Michigan Trust Co. Bldg.....	Grand Rapids
Taylor, Orla B., 13 Butler Bldg.....	Detroit
Taylor, Walter R.....	Kalamazoo
Tennant, John S.....	Edmore
Thayer, Russell B., Eddy Bldg.....	Saginaw
Thomas, Harris E.....	Lansing
Thompson, B. M.....	Ann Arbor
Thompson, Dell H.....	Bay City
Thorington, C. C.....	Romeo
Thornton, H. A., Michigan Trust Co. Bldg.....	Grand Rapids
Titus, Lincoln H.....	Paw Paw
Townsend, Chas. E.....	Jackson
Travis, Phillip H., Michigan Trust Co. Bldg.....	Grand Rapids
Trudell, F. J.....	Menominee
Tucker, J. G.....	Mt. Clemens
Turner, James, Union Trust Bldg.....	Detroit
Turner, Jerome E.....	Muskegon
Turner, Willard J.....	Muskegon
Tuttle, Arthur J.....	Leslie

U

Underwood, M. W.....Traverse City

V

Van De Mark, S. O., Moffat Bldg.....Detroit
 Vanderwerp, JohnMuskegon
 Van Riper, C. M.....Hartford
 Van Riper, Jacob J.....Niles
 Van Zile, Philip T., Hammond Bldg.....Detroit

W

Walbridge, H. E.....St. Johns
 Walsh, JosPort Huron
 Walker, Myron H., Houseman Bldg.....Grand Rapids
 Walters, Henry C., Chamber of Commerce Bldg.....Detroit
 Ward, M. Thomas, Houseman Bldg.....Grand Rapids
 Warner, David A., Michigan Trust Co. Bldg.....Grand Rapids
 Warner, Frank R.....Sault Ste. Marie
 Warner, Glenn E.....Paw Paw
 Warner, Wm. W.....Allegan
 Warren, Benj. S., Union Trust Co. Bldg.....Detroit
 Warren, Chas. B., Union Trust Bldg.....Detroit
 Watkins, Roy M., Probate Court.....Grand Rapids
 Watson, Chas. H.....Crystal Falls
 Wattles, I. N.....Kalamazoo
 Weadock, John C., 7 Wall St.....New York
 Weadock, Thos. A. E., Hammond Bldg.....Detroit
 Webster, Clyde I., Majestic Bldg.....Detroit
 Webster, Elmer R.....Pontiac
 Weeks, M. D.....Albion
 Welmer, George V.....Kalamazoo
 Wessellus, SybrantGrand Rapids
 Westerman, W. S.....Jackson
 Weston, Frank S.....Kalamazoo
 Wetherbee, Wm. H., Penobscot Bldg.....Detroit
 Wetmore, Fred C.....Cadillac
 Wheeler, Isaac C.....Manton
 Wicks, Kirk E., Houseman Bldg.....Grand Rapids
 Wiest, HowardLansing
 Wicksall, Guy J.....South Haven
 Wiley, MerlinSault Ste. Marie
 Wilkins, Chas. H., Hommand Bldg.....Detroit
 Williams, A. B.....Battle Creek
 Williams, W. B.....Lapeer
 Wilson, Chas. L.....Saranac
 Wilson, Chas. M., Michigan Trust Bldg.....Grand Rapids
 Wilson, F. W.....Muskegon
 Wilson, Hugh. E., Michigan Trust Co. Bldg.....Grand Rapids
 Wilson, Thomas A., Union Bank Bldg.....Jackson
 Wing, C. C.....Ludington
 Wixson, Walter S.....Caro
 Wolcott, Frank T.....Port Huron
 Wolf, Gustave A., Michigan Trust Co. Bldg.....Grand Rapids
 Wolfe, Louis H., Hammond Bldg.....Detroit
 Wood, Clark C.....Lansing
 Woodruff, Chas. M., 272 E. Grand Boulevard.....Detroit
 Woodward, E. A.....Iron Mountain

Worch, Rudolph	Jackson
Wright, C. A.	Hancock
Wright, John L.	Grand Ledge
Wunsch, Henry, Moffat Bldg.	Detroit
Wykes, Roger L., Michigan Trust Co. Bldg.	Grand Rapids

Y

Yelland, Judd	Escanaba
Yerkes, Geo. B., Home Bank Bldg.	Detroit
Youdan, J. Claude.	Howard City
Young, H. O.	Ishpeming

Z

Zimmer, John J.	Lansing
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MEMBERS BY CITIES

ADRIAN

(Lenawee County)

Alexander, W. B.
Baldwin, Clarke E.
Bennett, A.
Clark, Herbert R.
Jewett, Henry R.
Joslin, Theo. M.
Larwill, Harry L.
Michener, Earl C.
Smith, Henry C.

ALBION

(Calhoun County)

Culver, Adelbert
Loud, Edward R.
Weeks, M. D.

ALLEGAN

(Allegan County)

Warner, Wm. W.

ALPENA

(Alpena County)

Frances, James
O'Brien, Michael

ANN ARBOR

(Washtenaw County)

Bates, Henry M.
Brewster, Jas. H.
Bunker, R. E.
Cavanaugh, M. J.
Duffy, Jno. L.
Freeman, A. F.
Hutchins, Harry B.
Jones, Frank E.
Kinne, E. D.
Lane, Victor H.
Stivers, Frank A.
Storm, Carl T.
Thompson, B. M.

BAD AXE

(Huron County)

Bope, Wm. T.
Clark, Geo. W.

BANGOR

(Van Buren County)

Lewis, Lynn J.

BATTLE CREEK

(Calhoun County)

Arthur, Jesse
Hamilton, Burritt
North, Walter H.
Powers, James M.
Stewart, H. P.
Stewartt, Louis E.
Williams, Arthur B.

BAY CITY

(Bay County)

Anneke, Edward E.
Beckwith, L. G.
Clark, E. S.
Cobb, Geo. P.
Collins, Chester L.
Cooley, Edgar A.
Donnelly, Jas.
Duffy, Jas. E.
Gillett, H. M.
Hall, DeVere
Hewitt, Jno. C.
Hitchcock, Chas. W.
Joslyn, Lee E.
King, Robt. L.
Kinnane, J. E.
Pratt, Frank S.
Shepard, T. F.
Thompson, Dell H.

BAY CITY W.

(Bay County)

Collins, W. A.

BENTON HARBOR

(Berrien County)

Cady, Alvah P.
Gore, Victor, M.
Hicks, Wm. C.
Sterling, John J.

BIG RAPIDS

(Mescota County)

Broomfield, Archibald
 Marsh, E. J.
 Palmer, L. G.

BOYNE CITY

(Charlevoix County)

Harris, Jas. M.

BUCHANAN

(Berrien County)

CADILLAC

(Wexford County)

Gaffney, F. O.
 McIntyre, D. E.
 Sawyer, E. T.
 Wetmore, Fred C.

CALUMET

(Houghton County)

Galbraith, Wm. J.
 Kerr, Angus W.
 MacDonald, Wm. J.
 McNally, Eugene A.
 Peterman, Albert E.

CARO

(Tuscola County)

Quinn, T. C.
 Wixon, Walter S.

CASSOPOLIS

(Cass County)

Hayden, Asa K.

CHARLOTTE

(Eaton County)

Maynard, Horace S.
 Smith, J. M. C.

CHEBOYGAN

(Cheboygan County)

Benjamin, Maxwell W.
 Shepherd, James F.

CLARE

(Clare County)

Perry, C. W.

COLDWATER

(Branch County)

Barlow, Burt E.
 Champion, Chas. U.
 Humphrey, Leonard T.
 Shipman, Jno. B.

CORUNNA

(Shiawassee County)

Bush, Matthew
 McCurdy, Jno. T.

CRYSTAL FALLS

(Iron County)

Abbott, Fred H.
 Watson, Chas. H.

DETROIT

(Wayne County)

Anderson, Jno. W., 68 Moffat Bldg.
 Angell, Alexis C., Union Trust Bldg.
 Antisdell, Jno. P., 60 Buhl Bldg.
 Baker, F. A., 30 Whitney Opera House Bldg.
 Barbour, Levi, 29 Buhl Bldg.
 Bartlett, Chas. L., 611 Hammond Bldg.
 Bates, Geo. W., 32 Buhl Bldg.
 Beaumont, Jno. W., 1124 Ford Bldg.
 Bigelow, Nelson C., 8 Buhl Bldg.
 Bissell, Jno. H., 80 Griswold St.
 Bodman, Henry E., Union Trust Bldg.
 Bowen, Herbert, Moffat Bldg.
 Boynton, Herbert E., Union Trust Bldg.
 Brown, Bayard T., 60 Buhl Bldg.
 Bulkley, Harry C., Union Trust Bldg.
 Bunting, A. F.
 Butler, Jefferson, 79 Home Bank Bldg.
 Butterfield, O. E., care M. C. R. R. Co.
 Butzel, Henry M., 511 Union Trust Bldg.
 Campbell, Arthur D., Penobscot Bldg.
 Campbell, Chas., H., Union Trust Bldg.
 Campbell, Henry M., 604 Union Trust Bldg.
 Canfield, F. H., Moffat Bldg.
 Cassidy, Dan'l P., Moffat Bldg.
 Chamberlain, Robt. M., Moffat Bldg.
 Choate, Ward N.
 Clark, Joseph H., Hammond Bldg.
 Clark, Lovert, Buhl Bldg.
 Codd, Geo. P., Hammond Bldg.
 Collins, L. H., Buhl Bldg.
 Cook, Frank C., Majestic Bldg.
 Covert, Arthur H., Detroit Opera House Bldg.
 Cowles, Israel T., Union Trust Bldg.
 Crosby, Frank N., Union Trust Bldg.
 Denby, Edwin, Moffat Bldg.

- Dickinson, Don M., Union Trust Bldg.
 Dickinson, J. G., Newberry Bldg.
 Loetsch, Felix A., Hammond Bldg.
 Donnelly, Jno. C., Moffat Bldg.
 Douglas, S. T., Moffat Bldg.
 Duffield, Bethune, Union Trust Bldg.
 Duffield, Henry M., Union Trust Bldg.
 Durfee, Ergar O., Probate Court.
 Emmons, Harold H., Moffat Bldg.
 Engle, Seth E., Whitney Bldg.
 Finney, J. W., Peninsular Bank Bldg.
 Fitzpatrick, W. G., Whitney Bldg.
 Flowers, Chas., 715 Hammond Bldg.
 Fowler, Geo. B., Hammond Bldg.
 Fox, Wm. D., Home Bank Bldg.
 Gates, Jasper C., McGraw Bldg.
 Goff, John H., Union Trust Bldg.
 Graves, Henry B., Hammond Bldg.
 Gray, Robt. T., Ford Bldg.
 Gray, Wm. J., Ford Bldg.
 Groesbeck, A. J., Majestic Bldg.
 Guise, Frank P., 426 Moffat Bldg.
 Hall, A. B., Hammond Bldg.
 Hamblen, Jos. G., Jr., Union Trust Bldg.
 Harmon, Henry A.
 Heinemen, D. E., Moffat Bldg.
 Helfman, Harry, Moffat Bldg.
 Hosmer, Geo. S., Wayne Co. Bldg.
 Hoyt, Hobart B., care Union Trust Co.
 Hunt, Harry E., Ford Bldg.
 James, Delbert C., Chamber of Commerce.
 January, Wm. L., Buhl Bldg.
 Jones, Arthur, Hammond Bldg.
 Joslyn, Chas. D., Ford Bldg.
 Kellie, Ronald, Hammond Bldg.
 Keena, Jas. T., Penobscot Bldg.
 Lacy, A. J., Ford Bldg.
 Lane, Wm. P., 80 Griswold St.
 Langley, Jas. P., Majestic Bldg.
 Lightner, Clarence A., Penobscot Bldg.
 Love, Chas. E., Moffat Bldg.
 Lucking, Alfred, Moffat Bldg.
 McCorkle, Wm. F., Ford Bldg.
 McDonald, Chas. S., Hammond Bldg.
 McDonald, Jas. H., Moffat Bldg.
 McGregor, Malcolm, Home Bank Bldg.
 McHugh, Philip A., Majestic Bldg.
 McNamara, James.
 McPherson, Chas., Fort St. Depot.
 Mackay, Jno. D., Home Bank Bldg.
 Maguire, Arthur D., Hammond Bldg.
 Manchester, Wm. C., Buhl Block.
 Marsh, Pliny W., Chamber of Commerce.
 Maybury, Wm. C., Moffat Bldg.
 Merriam, S. L., Union Trust Bldg.
 Miller, Sidney T., Penobscot Bldg.
 Millis, Wade, Union Trust Bldg.
 Monaghan, George F., Majestic Bldg.
 Moore, Geo. W., Campau Bldg.
 Moore, Wm. V., Wayne Co. Savings Bank Bldg.
 Mulford, Benj. F., Buhl Bldg.
 Murfin, J. O., Moffat Bldg.
 Nadolleck, Geo. L.
 Ott, Louis, Buhl Bldg.
 Oxtoby, Jas. V., McGraw Bldg.
 Paddock, L. H., Penobscot Bldg.
 Paine, DeForest, Penobscot Bldg.
 Parker, R. A., 12 Hodges Bldg.
 Pendleton, E. ..., Penobscot Bldg.
 Phelps, Ralph, Jr., 82 Griswold St.
 Prentis, Geo. H., Buhl Bldg.
 Reilly, C. J., Penobscot Bldg.
 Rexford, D. C., Buhl Bldg.
 Robbins, John W., 715 18th St.
 Roason, Frank E., Hammond Bldg.
 Rosenberg, Louis J.
 Russell, Henry, care M. C. R. R.
 Salliotte, Ignatius J., Moffat Bldg.
 Savery, Wirt I., Majestic Bldg.
 Selling, B. B., Hammond Bldg.
 Shaw, Jno. C., Union Trust Bldg.
 Schnelber, Charles G., Hammond Bldg.
 Shipman, F. C., Union Trust Bldg.
 Sloman, Adolph, Penobscot Bldg.
 Sloman, Edmund, Penobscot Bldg.
 Smith, Hal H., Hammond Bldg.
 Smith, Jas. Coslett, Penobscot Bldg.
 Snyder, Emil W., Majestic Bldg.
 Speed, Jno. J., Moffat Bldg.
 Sprague, Wm. C., Majestic Bldg.
 Standart, Joseph G., Wayne County Savings Bank Bldg.
 Stein, Christopher, Justice Court.
 Stellwagen, A. C., Home Bank Bldg.
 Stoddard, E. J., 12 Hodges Bldg.
 Stone, Ralph, care Detroit Trust Co.
 Swan, Jas., McGraw Bldg.
 Taylor, Oria B., 13 Butler Bldg.
 Turner, James, Union Trust Bldg.
 Van De Mark, S. O., Moffat Bldg.
 Van Zile, Philip T., Hammond Bldg.
 Walters, Henry C., Chamber of Commerce.
 Warren, Benj. S., Union Trust Bldg.
 Warren, Chas. B., Union Trust Bldg.

Waddock, Thos. A. E., Hammond Bldg.

Webster, Clyde I., Majestic Bldg.
Wetherbee, Wm. H., Penobscot Bldg.
Wilkins, Chas. T., Hammond Bldg.
Wolfe, Louis H., Hammond Bldg.
Woodruff, Chas. M., 272 E. Grand Boulevard.
Wunsch, Henry, Moffat Bldg.
Yerkes, Geo. B., Home Bank Bldg.

DOWAGIAC
(Cass County)

Hendryx, Coy W.
Ketcham, C. W.
Kinnane, James H.
Sweet, Chas. E.

EAST TAWAS
(Iosco County)
Rawden, Edwin.

EATON RAPIDS
(Eaton County)
Hendee, J. B.

EDMORE
(Montcalm County)
Tennant, John S.

ESCANABA
(Delta County)

Cuminsky, John.
Jennings, Ira C.
Mead, F. D.
Yelland, Judd.

EVART
(Osceola County)

FLINT
(Genesee County)

Aitken, D. D.
Carton, Jno. J.
Cook, Geo. W.
Durand, C. A.
Lee, Ed. S.
Parker, Jas. S.
Roberts, Clinton
Rundell, Warren S.

FREMONT
(Newaygo County)
Brooks, Edward L.

GAYLORD
(Otsego County)

GLADWIN
(Gladwin County)

Foster, Isaac

GRAND HAVEN
(Ottawa County)

Farr, Geo. A.
Farr, Geo. A., Jr.

GRAND LEDGE
(Eaton County)

Alexander, Cassius
Partlow, Harry H.
Wright, John L.

GRAND RAPIDS
(Kent County)

Backus, Ella M., Govt. Bldg.
Barnett, Jas. F., Mich. Trust Co. Bldg.
Blair, Chas. B., Mich. Trust Co. Bldg.
Boltwood, Lucius, Mich. Trust Co. Bldg.
Bradfield, Thos. P., Mich. Trust Co. Bldg.
Brooks, Walter H.
Bundy, McGeorge, Mich. Trust Co. Bldg.
Butterfield, Roger C., Mich. Trust Co. Bldg.
Butterfield, Roger W., Mich. Trust Co. Bldg.
Campau, Francis D., Mich. Trust Co. Bldg.
Campbell, Colin P., Widdicomb Bldg.
Campbell, Jas. H., Mich. Trust Co. Bldg.
Carmody, Martin H., 325-8 Houseman Bldg.
Carpenter, Eugene.
Clapperton, Geo., Mich. Trust Co. Bldg.
Clute, Wm. K., Govt. Bldg.
Corwin, Benn. M., Houseman Bldg.
Crane, Albert, Mich. Trust Co. Bldg.
Creswell, Harry L., Houseman Bldg.
Denison, Arthur C., Gov't Bldg.
Doran, Peter, 4th Nat. Bk. Bldg.
Dunham, M. L., Widdicomb Bldg.
Ellis, A. A., Mich. Trust Co. Bldg.
Freeland, Homer H.
Gillett, W. J., Board of Trade Bldg.
Gleason, Clark H., Powers Opera House Bldg.
Hall, Clare J., Houseman Bldg.
Harrington, Leon W., Mich. Trust Co. Bldg.

- Hatch, Reuben, Widdicomb Bldg.
 Heald, Henry T., Bd. of Trade Bldg.
 Hess, Frank A., Police Court.
 Hext, Chas. F., 4th Nat. Bank Bldg.
 Higbee, Clark E., Houseman Bldg.
 Hindman, A. C., Houseman Bldg.
 Holmes, Clyde J., Houseman Bldg.
 Holmes, Glenn W., Houseman Bldg.
 Hyde, Wesley W., Mich. Trust Co. Bldg.
 Jewell, Harry D., Court House.
 Johnston, Andrew W., Houseman Bldg.
 Keeney, Willard F., Mich. Trust Co. Bldg.
 Klingsley, Willard, Houseman Bldg.
 Kleinhans, Jacob, Mich. Trust Co. Bldg.
 Knappen, Loyal E., Govt. Bldg.
 Knappen, Stuart E., Mich. Trust Co. Bldg.
 Landman, Wm. J., Houseman Bldg.
 Lockwood, Harry, Ford Bldg.
 Lombard, Jas. A., 4th Nat. Bk. Bldg.
 McAllister, Jas. T., Wonderly Bldg.
 McDonald, John S., Court House.
 McKnight, Wm. F., Wonderly Bldg.
 Maher, Edgar A., Aldrich Bldg.
 Mapes, Carl E., Widdicomb Bldg.
 Master, Sheridan F., Govt. Bldg.
 Merrick, Benj. P., Mich. Trust Co. Bldg.
 Montgomery, Stanley D., Board of Trade Bldg.
 More, Jno. E., Mich. Trust Co. Bldg.
 Moulton, Luther V., Houseman Bldg.
 Nichols, M. A., Houseman Bldg.
 Norris, Mark, Mich. Trust Co. Bldg.
 O'Brien, Thos. J., Mich. Trust Co. Bldg.
 Perkins, Cyrus E., Mich. Trust Co. Bldg.
 Phelps, Earl F., Widdicomb Bldg.
 Smedley, C. O., Houseman Bldg.
 Smith, Wm. Alden, Wm. Alden Smith Bldg.
 Stace, Francis A., Mich. Trust Co. Bldg.
 Stuart, Wm. J., City Hall.
 Swarthout, Elvin, Mich. Trust Co. Bldg.
 Taggart, Edw., Mich. Trust Co. Bldg.
 Taggart, Ganson, Mich. Trust Co. Bldg.
 Thornton, Howard A., Mich. Trust Co. Bldg.
 Travis, Philip H., Mich. Trust Co. Bldg.
 Walker, Myron H., Houseman Bldg.
 Ward, M. Thomas, Houseman Bldg.
 Warner, David A., Mich. Trust Co. Bldg.
 Watkins, Roy M., Houseman Bldg.
 Wessellus, Sybrant, Houseman Bldg.
 Wicks, Kirk E., Houseman Bldg.
 Wilson, Chas. M., Mich. Trust Co. Bldg.
 Wilson, Hugh, Mich. Trust Co. Bldg.
 Wolf, Gustave A., Mich. Trust Co. Bldg.
 Wykes, Roger Irving, Mich. Trust Co. Bldg.
- GRAYLING**
 (Crawford County)
 Alexander, Geo. L.
- GREENVILLE**
 (Montcalm County)
 Bowman, E. J.
 Griswold, N. O.
 Lewis, Milo.
 Rarden, C. L.
- HANCOCK**
 (Houghton County)
 Burritt, Wm. A.
 Corgan, Harry.
 Finnegan, J. T.
 Hanchette, Chas. D.
 Kliskila, John.
 Lawton, Swaby L.
 Wright, C. A.
- HART**
 (Oceana County)
 Hanson, Winfield S.
- HARRISON**
 (Clare County)
 Cummins, Geo. J.
 Morrissey, Francis M.
 Quinn, Jno.
- HARTFORD**
 (Van Buren County)
 Van Riper, C. M.
- HASTINGS**
 (Barry County)
 Colgrove, Philip T.
 Potter, William W.
 Pryor, Lee H.
 Smith, Clement.

HILLSDALE
(Hillsdale County)

HOLLAND
(Ottawa County)

Diekema, G. J.
McArdle, Charles H.

HOMER
(Calhoun County)

Cavanaugh, H. W.

HOUGHTON
(Houghton County)

Chadbourn, T. L.
Haire, Norman W.
Hambitzer, J. F.
Legris, Louis N.
Rees, Allen F.
Robinson, Deen L.
Sheldon, R. S.
Streeter, A. T.

HOWARD CITY
(Montcalm County)

Youdan, J. Claude.

HUDSON
(Lenawee County)

Chandler, Bert D.
Fellows, Grant.

IONIA
(Ionia County)

Davis, E. M.
Davis, F. D. M.
Morse, A. B.
Nichols, Geo. E.
Smith, Laurence W.

IRON MOUNTAIN
(Dickinson County)

Spencer, Jas. R.
Woodward, E. A.

IRONWOOD
(Gogebic County)

Humphrey, Chas. M.

IRON RIVER
(Iron County)

Byers, I. W.

ISHPEMING
(Marquette County)

Belden, Wm. P.

Berg, Fred H.
Jurma, A. W.
Potter, Waldo T.
Young, H. O.

ITHACA
(Gratiot County)

McCall, A.
McCall, R.
Searle, K. S.

JACKSON
(Jackson County)

Badgely, Clyde.
Bancker, Enoch.
Barkworth, T. E.
Cobb, W. S.
De Land, Chas. J.
Hewitt, Adolphus E.
Kirkby, Elmer
Knowles, R. D.
Miner, Jno. W.
Northrup, Leroy
Parkinson, J. A.
Price, Richard
Pringle, Eugene
Sagendorph, D. P.
Townsend, Chas. E.
Westerman, Walter S.
Willson, Thos. A.
Worch, Rudolph

JONESVILLE
(Hillsdale County)

Hawkins, Victor

KALAMAZOO
(Kalamazoo County)

Boudeman, Dallas
Briggs, Henry C.
Chappell, Fred L.
Earl, Otis A.
Grace, Wm. C.
Howard, Harry C.
Irish, E. M.
Knappen, F. E.
McGurrin, Chas. H.
Mills, A. J.
Monroe, S. B.
Osborn, J. W.
Stearns, A. M.
Stewart, N. H.
Taylor, Walter R.
Wattles, I. N.
Welmer, Geo. V.
Weston, Frank S.

KALKASKA

(Kalkaska County)

Boyd, J. L.
Smith, Ernest C.

LAKE CITY

(Missaukee County)

L'ANSE

(Baraga County)

Mason, W. L.
O'Connor, Jos. J.

LANSING

(Ingham County)

Bird, John E.
Black, C. P.
Blair, Chas. A.
Cahill, Edward
Carpenter, William L.
Chase, Henry E.
Cummins, Alva M.
Dodge, Frank L.
Dunnebecke, Jos. H.
Foster, Chas. W.
Foster, Walter S.
Gardner, L. B.
Grant, C. B.
Hayden, Charles Howe
Hood, Oscar J.
Hooker, Frank A.
Hooker, Harry E.
Hopkins, Chas. C.
Kilbourne, S. L.
McAlvay, A. V.
McClellan, John
McGill, Charles W.
Moore, Jos. B.
Nichols, Chas. W.
Nichols, Jason E.
Ostrander, Russell C.
Person, Rollin H.
Person, Seymour H.
Reasoner, Jas. M.
Silabee, Harry A.
Stone, John W.
Thomas, Harris E.
Wiest, Howard
Wood, Clark C.
Zimmer, John J.

LAPEER

(Lapeer County)

Brown, W. E.
Williams, W. B.

LAURUM

(Houghton County)

O'Brien, P. H.

LAWTON

(Van Buren County)

Lawton, Eugene W.
Tabor, L. A.

LESLIE

(Ingham County)

Tuttle, Arthur J.

LEXINGTON

(Sanilac County)

LOWELL

(Kent County)

Perry, Milton M.

LUDINGTON

(Mason County)

Danaher, M. B.
Hutton, Henry C.
Kelser, A. A.
Phelan, Jno.
Wing, C. G.

MANCHESTER

(Washtenaw County)

Freeman, F. M.

MANISTEE

(Manistee County)

Belcher, Chas. N.
Fowler, Frank L.
Overpack, Roy M.
Smith, R. W.

MANISTIQUE

(Schoolcraft County)

Hixon, Virgil I.

MANTON

(Wexford County)

Wheeler, Isaac C.

MARCELLUS

(Cass County)

Jones, Walter C.

MARINE CITY

(St. Clair County)

Black, E. S.

MARION

(Osceola County)

Kinney, W. L.

MARQUETTE

(Marquette County)

Ball, Dan H.
 Ball, James E.
 Clark, Harlow A.
 Eldredge, A. B.
 Hill, W. S.
 Heffernan, J. L.
 Hatch, Harvey B.
 McPherran, Edgar
 Miller, A. E.
 Moore, Francis M.
 Pearl, Benj.
 Primeau, Jos. H., Jr.
 Sherwood, M. J.

MARSHALL

(Calhoun County)

Dennison, Edw. J.
 Porter, Wm. H.

MASON

(Ingham County)

Hemans, Lawton T.

MENOMINEE

(Menominee County)

Opsahl, Jno. M.
 Sawyer, Alvah L.
 Trudell, J. F.

MIDLAND

(Midland County)

Gordon, Wm. D.

MONROE

(Monroe County)

Golden, C. A.
 Landon, Geo. M.

MT. CLEMENS

(Macomb County)

Crocker, Martin
 Kuhn, Franz C.
 Miller, Fred'k C.
 Spier, S. B.
 Tucker, J. G.

MT. PLEASANT

(Isabella County)

Dodds, Francis H.
 Dodds, Peter F.
 Russell, Chas. T.

MUNISING

(Alger County)

Freeman, Henry B.

MUSKEGON

(Muskegon County)

Carpenter, Wm.
 Chaddock, Chauncey J.
 Cross, Chas. B.
 Hoyt, H. J.
 Hoyt, Wm. E.
 MacDonald, R. J.
 Ross, Jno. Q.
 Sessions, C. W.
 Sullivan, Jas. E.
 Turner, Jerome E.
 Turner, Willard J.
 Vanderwerp, John
 Wilson, F. W.

NEGAUNEE

(Marquette County)

Adams, John Q.
 Bell, Frank A.
 Edgerton, J. M.

NEWAYGO

(Newaygo County)

Day, A. G.
 Luton, Geo.

NEWBERRY

(Luce County)

NILES

(Berrien County)

Bacon, N. H.
 Coolidge, Orville W.
 Van Riper, Jacob J.

NORTHVILLE

(Wayne County)

Clark, Clarence D.

NORWAY

(Dickinson County)

Flannigan, R. C.

ONTONAGON

(Ontonagon County)

Jones, John

OWOSSO

(Shiawassee County)

Chandler, A. L.
 Kilpatrick, Wm.

OXFORD

(Oakland County)

Jenkins, Frank E.
Kinsman, Geo. O.

PAW PAW

('an Buren County)

Anderson, David
Cavanaugh, Thos. J.
Chase, Russell M.
Free, A. L.
Titus, Lincoln H.
Warner, Glenn E.

PELLSTON

(Emmet County)

Keating, Frank L.

PENTWATER

(Oceana County)

Harvey, G. Wm.

PLYMOUTH

(Wayne County)

PONTIAC

(Oakland County)

Moore, Andrew L.
Patterson, Jno. H.
Rockwell, K. P.
Webster, Elmer R.

PORT AUSTIN

(Huron County)

PORT HURON

(St. Clair County)

Avery, Lincoln
Hovey, Cyrus A.
Jenks, W. L.
Ladd, S. W.
Law, Eugene F.
Moore, George G.
Walsh, Jos.
Wolcott, Frank T.

REED CITY

(Osceola County)

Savidge, B. N.

RICHMOND

(Macomb County)

Stone, W. S.

ROMEO

(Macomb County)

Thorington, C. C.

ROSCOMMON

(Roscommon County)

De Waele, Charles L.

ST. IGNACE

(Mackinac County)

Hoffman, Henry

ST. JOHNS

(Clinton County)

Brown, J. Earle
Lyon, Edwin H.
Smith, Wm. M.
Walbridge, H. E.

ST. JOSEPH

(Berrien County)

Graves, Frank P.
St. Clair, John C.
Stratton, Chas. W.

SAGINAW

(Saginaw County)

Jallie, Thos.
Baker, Orlando H.
Beach, Emmet L.
Brooks, Melville D.
Crane, R. F.
Crane, Wm. E.
Davis, Geo. W.
Davitt, Jas. H.
Durand, L. T.
Gage, Wm. G.
Humphrey, Watts S.
Kleinfeld, Frank F.
McKay, Jno. A.
Naegley, Henry E.
Newton, Frederick W.
O'Keefe, Jno. F.
Peter, Jas. B.
Purcell, Miles J.
Quinn, Frank Q.
Smith, Wallis Craig
T'hayer, Russell B.

SANDUSKY

(Sanilac County)

Dawson, Wm.

SAULT STE. MARIE

(Chippewa County)

Handy, Sherman T.
Hoden, Lawson C.
Hudson, Roberts P.
McDonald, Michael F.
Oren, Horace M.
Sharpe, Albert E.

Steere, J. H.
Sullivan, Frank P.
Warner, Frank R.
Wiley, Merlin

SARANAC
(Ionia County)

Wilson, Chas. L.

SOUTH HAVEN
(Van Buren County)

Chandler, Jas. E.
Cook, H. T.
Wicksall, Guy J.

STANDISH
(Arenac County)
McCarthy, Jno. J.

STANTON
(Montcalm County)
Palmer, L. C.

TECUMSEH
(Lenawee County)

THREE RIVERS
(St. Joseph County)
Andrews, Bishop E.
Pealer, Russell R.

TRAVERSE CITY
(Grand Traverse County)
Davis, H. C.
Pratt, E. S.
Pratt, Fred H.
Underwood, M. W.

VASSAR
(Tuscola County)

VICKSBURG
(Kalamazoo County)
Cropsey, Jesse R.

WEST BRANCH
(Ogemaw County)
Sharpe, Nelson

YALE
(St. Clair County)

YPSILANTI
(Washtenaw County)
Hatch, W. B.

OUTSIDE OF MICHIGAN
Brown, Henry B., Washington, D. C.
Couch, John A., Aqueduct Bldg.,
Rochester, N. Y. (Formerly of
Sault Ste. Marie.)
Fowler, Frank L., 1412 Hartford
Bldg., Chicago, Ill.
Maynard, Fred A., Helena, Mont.
(Formerly of Grand Rapids.)
Montgomery, R. M., Washington,
D. C.
O'Brien, M. Hubert, care U. S. Court
for China, Shanghai, China.
(Formerly of Detroit.)
Smith, Chas. H., Manila, P. I. (For-
merly of Jackson.)
Weadock, John C., 7 Wall St., New
York. (Formerly of Bay City.)
Mallow, Homer R., Chicago, Congress
Hotel Annex.

LIST OF DECEASED MEMBERS

- Adams, Hon. Oscar, Cheboygan.
(See page 114, Proceedings of 1903.)
- Alexander, Hon. Chas. T., Detroit.
- Atkinson, Hon. John, Detroit, died Aug. 14, 1901.
(See page 119, Proceedings of 1903.)
- Atkinson, Hon. O'Brien J., Port Huron.
(See page 35, Proceedings of 1902.)
- Babbitt, Hon. J. W., Ypsilanti.
(See page 35, Proceedings of 1902.)
- Bean, Hon. Seth, Adrian.
(See page 28 and 114, Proceedings of 1903.)
- Beaver, Hon. Theo. G., Niles, died Sept. 1, 1906.
(See Notice in this Book.)
- Brennan, Hon. Michael, Detroit, died Dec. 11, 1905.
(See page 81, Proceedings of 1906.)
- Brooks, Hon. John M., Saginaw, died March 26, 1904.
(See page 76, Proceedings of 1904.)
- Brown, Hon. Benjamin J., Menominee, died Jan. 9, 1905.
(See page 69, Proceedings of 1905.)
- Browne, Hon. Thos. W., Kalamazoo, July 9, 1910.
- Carpenter, Hon. Henry B., Lansing, died Aug. 5, 1905.
(See page 89, Proceedings of 1906.)
- Chambers, Hon. F. H., Detroit.
(See page 35, Proceedings of 1902.)
- Champlin, Hon. John W., Grand Rapids, died July 24, 1901.
(See page 119, Proceedings of 1903.)
- Chatterton, Hon. Mason D., Lansing, died October 27, 1903.
(See page 78, Proceedings of 1904.)
- Cheever, Hon. Noah Wood, Ann Arbor, died July 20, 1905.
(See page 87, Proceedings of 1906.)
- Clark, Hon. Frederick O., Marquette.
(See page 85, Proceedings of 1906.)
- Clute, Hon. Lemuel, Ionia.
(See page 35, Proceedings of 1902.)
- Conley, Hon. Edwin F., Detroit, died April 20, 1902.
(See page 115, Proceedings of 1903.)
- Constantine, Hon. S. M., Three Rivers, September, 1908.
- Crocker, Hon. Thomas M., Mt. Clemens.
(See page 114, Proceedings of 1903.)

- Cruikshank, Hon. A. D., Charlevoix.
(See page 114, Proceedings of 1903.)
- Cutcheon, Hon. S. M., Detroit, died April 18, 1900.
(See page 121, Proceedings of 1903.)
- Dooling, Hon. John C., St. Johns, died Feb. 28, 1908.
(See Notice in this Book.)
- Drury, Hon. Horton H., Grand Rapids, died Mar. 18, 1909.
(See Notice in this Book.)
- Durand, Hon. Geo. H., Flint.
(See page 114, Proceedings of 1903.)
- Eddy, Hon. L. P., Grand Rapids.
See page 35, Proceedings of 1902.)
- Eldredge, Hon. J. B., Mt. Clemens.
(See page 35, Proceedings of 1902.)
- Evans, Hon. W. T., Pentwater.
(See page 35, Proceedings of 1902.)
- Felker, Hon. Henry J., Grand Rapids.
(See page 28, Proceedings of 1903.)
- Fedewa, Hon. John H., St. Johns, died Jan. 27, 1901.
(See page 121, Proceedings of 1903.)
- Fletcher, Hon. Niram A., Grand Rapids, died Aug. 15, 1899.
(See page 120, Proceedings of 1903.)
- Frazer, Hon. Robert E., Detroit, died May 9, 1908.
(See Notice in this Book.)
- Fuller, Hon. C. C., Big Rapids, died Dec. 23, 1906.
(See Notice in this Book.)
- Fuller, Hon. Wm. D., Grand Rapids, died March 20, 1908.
(See page 80, Proceedings of 1908.)
- Fyfe, Hon. L. C., St. Joseph, died Nov. 15, 1909.
(See Notice in this Book.)
- Gage, Hon. Chauncey H., Saginaw, died April 8, 1909.
(See Notice in this Book.)
- Goss, Hon. Dwight, Grand Rapids, died Mar. 29, 1909.
(See Notice in this Book.)
- Gott, Hon. Edward A., Detroit, died May 9, 1904.
(See page 78, Proceedings of 1904.)
- Graves, Hon. Benj. F., Detroit, died March 3, 1906.
(See page 77, Proceedings of 1906.)
- Griffin, Hon. Levi Thos., Detroit, died March 17, 1906.
(See page 83, Proceedings of 1906.)
- Haggerty, Hon. Wm. H., Grand Rapids, died Mar. 31, 1904.
(See page 77, Proceedings of 1904.)
- Harris, Hon. John M., Saginaw, died Feb. 25, 1906.
(See page 88, Proceedings of 1906.)
- Hawley, Hon. J. G., Detroit, died Aug. 17, 1900.
(See page 120, Proceedings of 1903.)

- Hayden, Hon. George, Ishpeming.
(See page 114, Proceedings of 1903.)
- Higgins, Hon. S. G., Saginaw.
(See page 123, Proceedings of 1903.)
- Hopkins, Hon. George H., Detroit, died March 6, 1906.
(See page 84, Proceedings of 1906.)
- Hopkins, Hon. Joel C., Battle Creek, died April 29, 1907.
(See page 80, Proceedings of 1908.)
- Howard, Hon. Wm. G., Kalamazoo, died Aug. 8, 1906.
(See page 81, Proceedings of 1908.)
- Hoyt, Hon. Birney, Grand Rapids.
(See page 35, Proceedings of 1902.)
- Hoyt, Hiram J., Muskegon, died May 17, 1909.
(See Notice in this Book.)
- Hulbert, Hon. Stephen S., Battle Creek, died May 15, 1904.
(See page 78, Proceedings of 1904.)
- Hunter, Hon. F. W., Grand Rapids.
(See page 35, Proceedings of 1902.)
- Huston, Hon. B. W., Vassar.
(See page 35, Proceedings of 1902.)
- Jacokes, Hon. Jas. A., Pontiac.
(See page 82, Proceedings of 1908.)
- Knight, Hon. Seth W., Mt. Clemens, died July 11, 1910.
(See notice in this Book.)
- Lee, Hon. Jay P., Lansing.
(See page 35, Proceedings of 1902.)
- Lillibridge, Hon. W. M., Detroit, died October 2, 1904.
(See page 67, Proceedings of 1905.)
- Lockton, Hon. Andrew W., Battle Creek, died April 5, 1904.
(See page 77, Proceedings of 1904.)
- Long, Hon. Chas. D., Lansing.
(See page 35, Proceedings of 1902.)
- Lovell, Hon. Henry R., Flint.
(See page 68, Proceedings of 1905.)
- Lowell, Hon. Dwight N., Romeo.
(See page 83, Proceedings of 1908.)
- Maybury, Hon. Wm. C., Detroit, died May 6, 1909.
(See Notice in this Book.)
- Moore, Hon. William A., Detroit, died Sept. 26, 1906.
(See page 84, Proceedings of 1908.)
- McGrath, Hon. J. W., Detroit, died Dec. 9, 1905.
(See page 78, Proceedings of 1906.)
- McMath, Hon. J. W., Bay City.
(See page 35, Proceedings of 1902.)
- Meddaugh, Hon. Elijah W., Detroit, died Dec. 20, 1903.
(See page 74, Proceedings of 1904.)

Metzer, Hon. Henry F., Sault Ste. Marie, died Jan. 9, 1905.
(See page 68, Proceedings of 1905.)

Patton, Hon. John, Grand Rapids, died May 24, 1907.
(See page 85, Proceedings of 1908.)

Patterson, Hon. John C., Marshall, died May 24, 1910.
(See Notice in this Book.)

Peck, Hon. Erastus, Jackson, died January 22, 1904.
(See page 75, Proceedings of 1904.)

Peters, Hon. Frank H., Manistique.
(See page 35, Proceedings of 1902.)

Priddy, Hon. Frank E., Adrian, died Feb. 25, 1909.
(See Notice in this Book.)

Rood, Hon. Arthur R., Grand Rapids.
(See page 35, Proceedings of 1902.)

Russell, Hon. F. G., Detroit.
(See page 35, Proceedings of 1902.)

Russell, Hon. Alfred, Detroit.
(See page 80, Proceedings of 1906.)

Smith, Hon. Chas. S., Saginaw, died Dec. 22, 1906.
(See page 86, Proceedings of 1908.)

Smith, Hon. Francis, Muskegon.
(See page 114, Proceedings of 1903.)

Smith, Hon. Quincy A., Lansing, died Oct. 3, 1907.
(See page 86, Proceedings of 1908.)

Smith, Hon. Vernon, Ionia.
(See page 87, Proceedings of 1908.)

Stevens, Hon. Herman W., Port Huron, died May 15, 1907.
(See page 88, Proceedings of 1908.)

Straker, Hon. D. Augustus, Detroit, died Feb. 14, 1908.
(See page 89, Proceedings of 1908.)

Snow, Hon. Byron Albert, Saginaw, died May 5, 1905.
(See page 70, Proceedings of 1905.)

Tarsney, Hon. Timothy Edw., Detroit, died June 8, 1909.
(See Notice in this Book.)

Thompson, Hon. Charles E., Bad Axe, died March 27, 1907.
(See page 90, Proceedings of 1908.)

Thompson, Hon. Guy B., Detroit.
(See page 35, Proceedings of 1902.)

Thrall, Hon. C. H., Big Rapids.
(See page 35, Proceedings of 1902.)

Uhl, Hon. Edwin F., Grand Rapids, died May 17, 1901.
(See page 119, Proceedings of 1903.)

Vance, Hon. Samuel W., Port Huron.
(See page 35, Proceedings of 1902.)

Wanty, Hon. Geo. P., Grand Rapids, died July 9, 1906.
(See page 90, Proceedings of 1908.)

Ward, Hon. John, Detroit.
(See page 35, Proceedings of 1902.)
Warner, Hon. Carlos E., Detroit.
(See page 120, Proceedings of 1903.)

Watson, Hon. Lewis, Detroit.
(See page 35, Proceedings of 1902.)

Weaver, Hon. Clement E., Adrian, died April 6, 1906.
(See page 86, Proceedings of 1906.)

Whipple, Hon. Frank, Port Huron.
(See page 35, Proceedings of 1902.)

Wolcott, Hon. Alfred, Grand Rapids, died March 8, 1908.
(See page 92, Proceedings of 1908.)

Wolcott, Hon. L. W., Grand Rapids, died March 29, 1909.
(See Notice in this Book.)

PROCEEDINGS
of the **twenty-first Annual**
Meeting of

THE MICHIGAN STATE BAR ASSOCIATION

**With Reports of Committees,
List of Officers, Members, Etc.**

1911

STANFORD LIBRARY

Battle Creek, Michigan
July 6 and 7, 1911

WEST MICHIGAN PRINTING CO.
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C. W. PERRY, of Clare
PRESIDENT 1910 - 11

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PROCEEDINGS

MICROFILMED

PROCEEDINGS
of the
Twenty-First Annual Meeting
of
THE MICHIGAN STATE BAR ASSOCIATION
Battle Creek, Michigan
THURSDAY AND FRIDAY, JULY 6 and 7, 1911

THURSDAY MORNING.

The meeting was called to order by President C. W. Perry, whereupon the Hon. Burritt Hamilton of Battle Creek, President of the Calhoun County Bar Association, delivered an address of welcome, which was fittingly responded to by the President.

Thereupon President Perry delivered his address, "Criticism of the Courts."

(See Appendix for President's Address.)

The report of the Secretary was then read and accepted.

(See Appendix for Secretary's Report.)

The report of the Treasurer was then read and accepted.

(See Appendix for Treasurer's Report.)

Mr. Charles W. Nichols of Lansing thereupon presented the report of the Committee on Legislation and Law Reform.

(See Appendix for Report of Committee on Legislation and Law Reform.)

On motion, the report was received and placed on file.

The report of the Committee on Legal Education and Admission to the Bar was then read by the Secretary, the Chairman of the Committee, Mr. W. W. Hyde, being absent.

(See Appendix for Report of Committee on Legal Ed. and Admission to the Bar.)

On motion, the report was received and placed on file.

The President appointed a Committee on Nominations, composed of Hon. Grant Fellows of Hudson, Hon. Charles W.

Nichols of Lansing, Hon. Walter H. North of Battle Creek, and an Auditing Committee, composed of Mr. B. J. Onen of Battle Creek, Hon. John J. Carton of Flint, Mr. Wm. K. Clute of Grand Rapids.

Mr. Grant Fellows, of Hudson, thereupon read his paper, entitled "Reversals for Technical Errors."

(See Appendix for Mr. Fellow's paper.)

The discussion on this paper was led by Mr. W. K. Clute, of Grand Rapids. Mr. Bert Barlow, of Coldwater, followed with a few remarks.

THURSDAY AFTERNOON.

Hon. Harry A. Lockwood, of Detroit, Chairman of the Committee on the Christianity Memorial, presented the report of the Committee and also presented the marble bust of Judge Christianity, which was on exhibition in the hall, to the Association.

(See Appendix for Report of Committee on Christianity Memorial.)

Judge Lockwood then read an appreciation of the life and character of Judge Christianity.

(See Appendix for Judge Lockwood's paper on Judge Christianity.)

Hon. George W. Wickersham, Attorney General of the United States, was introduced to the members of the Association, by the President, and delivered the Annual Address, the subject being, "Recent Interpretation of the Sherman Act."

(See Appendix for Annual Address by Mr. Wickersham.)

Mr. A. B. Eldredge, of Marquette, thereupon read his paper, entitled, "Matters in Which the Discretion of the Trial Court Should be Final."

(See Appendix for Mr. Eldredge's paper.)

Judge Walter H. North, of Battle Creek, led the discussion on Mr. Eldredge's paper.

Hon. Arthur C. Denison, of Grand Rapids, Judge of the United States Circuit Court of Appeals, addressed the Association upon the subject, "Form and Substance."

(See Appendix for Judge Denison's Address.)

The Committee on Nominations, heretofore appointed,

made its report, recommending the election of the following named officers for the year 1911-12:

President—Arch B. Eldredge, Marquette; Vice President, Watts S. Humphrey, Saginaw; Secretary, Wm. J. Landman, Grand Rapids; Treasurer, Wm. E. Brown, Lapeer; Board of Directors, First Congressional District, T. A. E. Weadock, Detroit; Second Congressional District, Judge James A. Parkinson, Jackson; Third Congressional District, Leland H. Sabin, Battle Creek; Fourth Congressional District, W. W. Potter, Hastings; Fifth Congressional District, Wm. K. Clute, Grand Rapids; Sixth Congressional District, Judge Howard Wiest, Lansing; Seventh Congressional District, Lincoln Avery, Port Huron; Eighth Congressional District, Wm. M. Smith, St. Johns; Ninth Congressional District, John Q. Ross, Muskegon; Tenth Congressional District, Chas. W. Hitchcock, Bay City; Eleventh Congressional District, Judge Peter F. Dodds, Mt. Pleasant; Twelfth Congressional District, Horace M. Oren, Sault Ste. Marie.

The report was received and, on motion, the Secretary was instructed to cast the vote of the Association for the persons named for the respective offices.

THURSDAY NIGHT.

The Twenty-first Annual Banquet of the Association was held at Post Tavern, at 8 P. M. On a subsequent page will be found the menu and a list of the speakers at the banquet.

FRIDAY MORNING.

Mr. T. A. E. Weadock, of Detroit, read his paper, entitled, "Taxable Costs."

(See Appendix for Mr. Weadock's paper.)

Mr. Harry C. Howard, of Kalamazoo, led in the discussion of Mr. Weadock's paper, and was followed by remarks from Mr. W. W. Warner of Allegan, Mr. Charles McPherson of Grand Rapids, Hon. A. C. Denison of Grand Rapids, and Mr. W. E. Brown of Lapeer. Mr. T. A. E. Weadock closed the discussion.

Mr. Adolph Sloman, of Detroit, moved that Mr. Weadock's paper be referred to the incoming Committee on Legislation and Law Reform with instructions to report back to the Association. This motion was carried.

Prof. Jerome C. Knowlton thereupon read his paper on "Admission to the Bar."

(See Appendix for Prof. Knowlton's paper.)

In the absence of Mr. Watts S. Humphrey, his partner, Mr. George Grant, led the discussion on Prof. Knowlton's paper, and was followed by remarks from Mr. T. A. E. Weadock, of Detroit, Mr. E. C. Lewis of Battle Creek, Mr. Wm. M. Smith of St. Johns, Mr. Weadock of Saginaw, Mr. A. C. Kingman of Battle Creek, and Mr. Louis P. Stewart of Battle Creek.

In the absence of Mr. A. J. Lacy, of Detroit, Chairman of the Special Committee on the Codification of Certain Laws, the Secretary read the report of the Committee.

(See Appendix for Committee's Report.)

The report was received and filed, the recommendation concurred in, and the same committee continued.

The Secretary read the report of the Committee on Grievances.

(See Appendix for Committee's Report.)

The report was adopted.

The report of the Committee on Membership was presented and adopted.

(See Appendix for Committee's Report.)

The report of the Auditing Committee was received and accepted.

(See foot of Treasurer's Report for Committee's Report.)

The report of the Secretary, acting for the Historical Committee, giving a brief biographical sketch of each member who has died since the last meeting, was received and ordered printed.

(See Appendix for Historical Committee's Report.)

RESOLUTIONS.

Mr. Wm. M. Smith of St. Johns offered the following resolution in regard to

Admission to the Bar :

"Resolved, By The Michigan State Bar Association, that we favor the repeal, by the next legislature of this State, of the existing law admitting to the bar graduates of the University of Michigan and the Detroit College of Law upon their diplomas, and the enactment of a law requiring all such applicants for admission to the bar to take the examination now provided for, before the State Board of Law Examiners."

Mr. T. A. E. Weadock moved that the resolution be referred to the Committee on Legislation and Law Reform. This motion was lost by a vote of 32 to 2.

Mr. Wm. M. Smith moved the adoption of the resolution. This motion was carried by a vote of 31 to 3.

Mr. Adolph Sloman, of Detroit, presented the following resolution in regard to

New Quarters for the Supreme Court.

"Whereas, It is a well known fact among the members of the profession that the present quarters of the Supreme Court are wholly inadequate to meet the needs, requirements and comfort of its members and clerk; that prompt measures ought to be taken by the bar of the state towards securing the needed legislation to provide proper and suitable quarters which will comport with the dignity and necessities of the court; and

"Whereas, The members of the bar, as officers of that court, owe it to themselves as well as the court to lend their aid and influence towards securing such needed legislation, be it therefore

"Resolved, That this Association favors the early passage by the next legislature of some measure which will bring prompt relief to the Supreme Court, and its members pledge their joint and individual support and influence toward aiding in procuring this much needed legislation. And be it further

"Resolved, That the Committee on Legislation and Law Reform of The Michigan State Bar Association is hereby authorized and instructed to use its utmost efforts to secure the desired relief."

The foregoing resolution was unanimously adopted:

Place of Meeting, 1912.

Mr. Wm. E. Crane, of Saginaw, President of the Saginaw County Bar Association, urged the association to meet in Saginaw in 1912, stating that, at a meeting of the Saginaw Bar, a resolution was passed extending an invitation to this organization to hold its next annual meeting in that city. The invitation was accepted.

Mr. Adolph Sloman, of Detroit, moved that a telegram of felicitation be sent, by the Secretary of the Association, to Judge Henry F. Severens, who is about to voluntarily retire from the federal bench after many years of useful and active service. The motion was carried.

Resolution of Thanks to Calhoun Bar.

Mr. Wm. E. Brown, of Lapeer, moved that a written resolution of thanks be sent, by the Secretary, to the Calhoun Bar Association, expressing to that body the appreciation of the members and officers of the State Bar Association for the many kindnesses and courtesies shown to all present at the sessions, for the social events of the meeting and for the entertainment furnished by the lawyers of Calhoun County to the members of this Association. This motion was unanimously carried by a rising vote.

After President Perry again thanked the Bar of Calhoun County, and especially the members of the Executive Committee and the other committees which had so much to do with making the meeting a success, the twenty-first annual meeting adjourned.

APPENDIX

PAPERS AND ADDRESSES

—
—

PRESIDENT'S ADDRESS

CRITICISMS OF THE COURTS

HON. C. W. PERRY, of *Clare*

We are living in a period of criticism. New conditions have produced new questions to be settled, and in their discussion different ideas are suggested, based largely upon the view point which inspires them. People, unable to appreciate the varying conditions surrounding a given question often look with disfavor upon any opinion that does not harmonize with the angle of their vision, however obscured that vision may be, or whether their conclusions are governed by ignorance, or a deep knowledge of the subject discussed. So common has this inclination become that it has almost reached a mania, and extends to all matters of moment, and particularly to everything relating to governmental affairs. It is of particular importance to the bar, to inquire to what extent should such criticism be carried, in relation to courts and the judicial department of government.

The courts under our scheme of government occupy a position different from that of courts of any other country. While we borrowed our laws and our constitutional principles largely from England, our courts bear a very different relation to our constitution than do the courts of England to theirs. The English constitution being unwritten, constitutional questions are argued and decided by Parliament and the construction put upon a constitutional question by Parliament is the one that governs and is above the judgments of courts.

Justice Marshall early decided that the construction of the Federal Constitution is for the Federal Supreme Court, and that decision has in all instances been followed by the state courts in relation to the state constitutions, and has always been acquiesced in by the people and the bar and may be said to be the settled policy of our government, state and national. This doctrine was not new, however, when Justice Marshall proclaimed it from the bench, but was the understanding of the Convention which framed the Federal Constitution, and was so argued by Hamilton in No. 28, of the *Federalist*. The Convention which framed our organic law made the three powers of government separate, distinct, co-ordinate and independent. It placed upon the judicial department a duty to perform relative to constitutions and laws which made it the final arbiter in nearly all

dissensions and disputes. It gave us the Common Law of England as the basis of our laws, resting upon precedent and the wisdom of the ages before us. It made ours, a country essentially one whose government was a government of law, and made it the duty of the courts alone to construe, define and interpret the constitution and the laws that govern us.

This scheme of government has produced the most happy results. By it all controversies are disposed of in an orderly way, by tribunals organized for that purpose, making their decisions from the precedents worked out by the opinions, wisdom, experience and history of the men and times that have gone before. It has saved us from the dissensions, insurrections and rebellions that have so characterized other nations, and has been the means of preserving our rights and maintaining our liberties, and made us a law protected and law abiding people. Hence it is that a tribunal called upon to construe, interpret and define a constitutional principle must understand not only the precedents that it rests upon, but also the unwritten principles of our Anglo Saxon constitution that guided the fathers in building the government as it is built, and to enable it to interpret the meaning of the doctrine as written in the law.

So too, the laws that govern and control the acts of individuals and define their duties and state their rights must be interpreted, defined and applied in the light of the wisdom preserved in the precedents that make up our law, to the end that our laws may be harmonious and their application consistent. The tribunal that undertakes to perform this duty needs to be composed of men who have made the study of the law the work of their lives, and who from that study understand it as a science, and are able to apply it to the question at issue in accordance with the settled principles of the science itself. Law with us has therefore come to be known and acknowledged as a science whose principles are only revealed by study and deep research, and the fitness of the men who are sought to administer it in our courts is determined by the knowledge they have acquired of the law by study and experience.

By common consent it has always been deemed advisable and necessary to require young men who wish to enter the ranks of lawyers to spend a certain time in the study of the law and to show their fitness for the work by their knowledge of its principles; and fitness for the bench is but another step in that direction and a maturer and deeper acquaintance with the underlying principles of the science. That young men may be the better prepared and more deeply studied in the law before admission to the ranks of its advocates, a great system of law schools has been built up all over our country and from out of their classic halls have come forth the men who grace the bar, better prepared year by year and better fitted to discharge the duties of ministers of the law. Out of the ranks of these young men grown to ripened manhood in the law

do we seek to fill our courts, and be it said to the glory of our country and particularly of our state that scarce an instance is found where the man has been called to the courts who has disgraced the position he has held, or soiled the ermine with which he is clothed.

Yet with all this, the spirit of criticism has reached up to the courts, executives have sometimes joined in, and the public press has taken up the cry and urged the public denunciation of the court that decides a case not in accordance with the preconceived notion of the public, without regard to whether that notion is based upon knowledge, or ignorance of the principles that underlie the decision. Courts should not and I believe do not object to a criticism of their opinions when that criticism is a discussion of the legal principles that are involved. Courts are made up of men and are not infallible, and they may honestly make mistakes in the application of the law, despite their years of study and experience, and when their decisions are honestly discussed by men studied in the science of the law no harm will be done and none will object; but when objections are raised to their decisions by a popular cry without reference to the legal principles involved, it is an injustice to the court, an injury to the public and subversive of the principles upon which our government rests.

Along with the indiscriminate criticism of courts that is being indulged in at present, and as a natural outcome and growth from it, has come a new political gospel popularly known as the "Recall." As applied to officers other than judicial, the doctrine is not a proper one for the consideration of this body, but as applied to the judiciary it is a subject of the most vital importance. It is based, when applied to the judiciary, upon a popular opinion of a judicial decision without reference to the legal principles that govern it and without regard to what the law may be upon the question involved. It is simply a wave of popular opinion, such as sometimes sweeps over the country only to be changed when a new idea takes its place. It is an appeal from the decision of a court upon a legal proposition, which the average layman does not and can not understand, to a vote of the populace, where the most ignorant voter in the land is as potent a factor in the decision on the appeal, as the learned doctor who has spent his life in the investigation of the law and its application to the affairs of men. It goes still farther. It says, if the public takes a different view of the question than the court, it need prefer no charge against it; the judge shall have no trial and no opportunity to prove the correctness or justice of his decision, and no right to be heard in his own defense; but that the mandate of a popular election upon a scientific question shall dethrone him from his high estate and strip him of the sacred vestments of his office. It is the execution of a judgment that has not been found; of a trial that has not been had; of an issue that has not been framed and a charge that has not been defined. Its sentence

is an order of ouster, and its penalty, dishonor, disgrace and shame.

We must bear in mind that if a judge be corrupt the law now gives an abundant remedy to impeach him for his malfeasance in office as well as in the case of other officers. The law does not seek to throw around the court any protection from corruption or crime, and as to these, the judge must answer the same as other officers and other men; but it does seek to protect him in a decision honestly made whether that decision be the correct one or not. It wisely provides that a decision made in the progress of a trial may be reviewed by a higher tribunal where time may be given for its consideration by a larger body of men who have been chosen for the position because of their learning and worth. It urges no excuse for corruption or crime, but it does urge that the law is a science and that its principles can only be learned and understood by research and study.

If this be not the correct doctrine, what the further use of schools to instruct in the law; what the further use of lawyers to investigate or of courts to decide; why should men come to the bar through years of study; why an appellate court or a court of last resort to correct the error or mistake of a lower court; why not appeal from the decision of a court to a township or city election; why not decide the cause in the first instance by a popular vote; why choose our judges from the ranks of lawyers and because of their legal learning; why not make up our courts from men best skilled in feeling the popular pulse, or in acuteness in hearing from afar off what the popular mind will be?

What would we think if a fatal sickness were spreading over a community, leaving its many victims dead in its course, and physicians skilled in the science of medicine, were unable to decide whether it were epidemic or contagion and what was best to cure its patients or stay its progress, if it were proposed that instead of calling on the men best skilled in medicine to use all the means of modern science to determine the character of the malady and its antidote, that a popular election of the township or city or county where the disease was located, be called, and that the question be submitted and decided by a vote of that public meeting? Men who would propose such a course would be looked upon as little else than madmen.

And yet we are doing the same thing when we propose to recall a judge when we think his decisions are not correct. We are expecting a popular vote to decide what baffles the skill of one whose life study has been to prepare himself to determine the question. And we are doing more. When a man is accused with the commission of a crime, a definite charge is made against him; he has the right to a full and fair defense; he will be furnished witnesses and counsel of his choice by the public, if he is too poor to furnish them himself; he will be presumed to be innocent until proved

guilty; all the safeguards of the law will be thrown around him; a jury of his choice will determine the facts and a judge will decide impartially the questions of law raised for or against him, and if such questions are decided incorrectly a higher court will correct them. His character, his reputation or his bad deeds can not be urged against him unless he invites it to be done himself. No matter how great a criminal he may have been or how heinous the charge against him, he will have the same consideration shown him and the same protection thrown around him as though his reputation and life had heretofore been above reproach. Nothing else will satisfy the law and nothing else will harmonize with our idea of liberty, and nothing short of this would satisfy our minds as to the protection the law should give. But how do we propose to deal with a judge when we proceed to recall him? When a certain number conceive the idea that his decisions are wrong, a popular election is called and a vote is taken on the question whether he should not be dismissed and if a majority shall vote in accordance with that idea, he is dismissed without ceremony, without any charge being formulated against him and without any trial or any opportunity to prove the falsity of the things that may be urged against him. The protection given the burglar, the horse thief or robber is not given him and the presumption of innocence is denied him; and this in the name of justice, in a land where law prevails and where we feel safe in the protection which the law affords.

We should bear in mind that the judicial department is one of the co-ordinate powers of government and that neither the legislative or the executive departments have any right to encroach upon it, and that while the other departments are also supreme in their powers it is still the duty of the courts to determine what those powers are, and to direct them when their course is in doubt, and when the powers of the courts are overthrown by the methods proposed, when their acts are annulled by a power not given by the constitution and utterly at variance with the genius and spirit of our form of government, revolution is already begun. The safety of our institutions and the safeguard of our rights and our liberties have always rested with the courts. When the court can no longer carry out and fulfill the powers and duties belonging to it, it is no longer the bulwark of our liberties or the haven of our safety. When a popular or phren-sied cry may override its acts, its independence is gone, its decisions are futile, its dignity destroyed and the respect of the people which it now enjoys forever lost.

Laws can never be framed or interpreted by popular vote in the manner proposed by the recall. We are still, and I trust always will be, a representative democracy, and principles can only be framed into laws and crystallized into certainty by consultation, study and discussion in the convention, council and forum, and all attempts to arrive at a proper result by such a crude, unscientific

and subversive policy will ever be fraught with danger to our institutions, and be a menace to our governmental life.

In the event of such a doctrine obtaining with us, what shall be the duty and the policy of the bar? Lawyers by their study and experience are always firm believers that law is a science to be gained by research, and that however progressive the science may be, its progress will only be possible when it proceeds along scientific lines. They will always realize that whatever progress may be made in the law, as conditions change and society improves must be worked out through the instrumentality of the courts; that there is an interdependence between the courts and the bar, the work of each depending upon the other, and that any policy which is subversive of the dignity and power of the court, is destructive of all their conceptions and ideals of the profession to which they have devoted their lives. The doctrine of recall or of ignorant criticism of courts will ever be repulsive to them. It is their duty and should be their pleasure to uphold the dignity of the courts at all times and defend them against all unjust attacks and ill-advised criticism, that their place and power as a co-ordinate branch of the government may be sustained. They should be a means of education to the people in the knowledge of the true position held by courts in a free government, that to them is entrusted the preservation of the laws and the maintenance of the true division of power between the different departments of government, which has during our whole history been the means of protecting the rights and preserving the liberties of our people.

But what shall we expect of the courts if they are to be subjected to criticism unjust, and emanating from a lack of conception of the opinions that are criticized, and what if the spirit of criticism be carried to the extent of a recall? Can we hope that courts will continue to act and decide all matters brought before them in a spirit of independence and fairness without regard to results that may follow when that independence and loyalty to principle as they see it, may subject them to the humiliation of being dragged from the position of honor where they have been placed and be cast aside in dishonor and disgrace? And will lawyers of high character and deep learning consent to occupy positions on the bench when they will be called to leave the independent and self-respecting position they hold at the bar, to fill a place in court from which they are liable at any time to be thrust in disgrace and shame? Can they be expected to make such a sacrifice to uphold and sustain the court and the profession, and to satisfy such an ill-advised law and policy? And if they do not so consent, then will not our courts be made up of a different class of lawyers than those who now grace the bench, and like so many erroneous schemes, the effort to purge the courts will fill them with men not representative of the profession; men who will bring dishonor to the bench and disgrace to the bar?

It is to be hoped that the people of our state will never allow their better judgment to be so warped as to sanction the recall of a judge and drag our courts from the position of honor and respect they now enjoy, into the slime of ignorance and distrust.

But if such a condition should ever come, I am convinced that men of high legal attainments and unimpeachable character should and will come forward with the self sacrificing spirit of heroes and lay their reputations on the alter of their country, that the place and power of the judicial department of government may be preserved and sustained.

I have no recommendations to make except to call your attention to a matter that will be brought forward by a former president of the association, Mr. Sloman, for the purpose of urging you to take an interest in the subject when it shall be presented. I refer to the effort to provide for the better accommodation of the Supreme Court of our state. The court room itself is inadequate to meet the wants of a court now double the members it had when the room was constructed, and the rooms for the accommodation of the members of the court and of the bar, aside from the court room, are still worse. The clerk's room is not large enough to accommodate the clerk of even a small county, and the vaults are so small that very much valuable material and many valuable records and papers are in constant danger from fire.

I believe the matter was brought to the attention of the Legislature last winter, but nothing whatever was done, probably because no member was willing to urge the outlay of so much money as would be required, for fear the country might lose his services the next session. It will be necessary to interest the people in the matter and it must be the work of the bar to educate them to the just wants of the judicial department of our state government. I am not advised what plan may be proposed here, and it may be difficult to decide what is best. It has been proposed to add a new wing to the present Capitol building, which architects say may be done, and I think a new building has also been suggested. There is a decided lack of room at present for the different offices of the various state departments; some of them are using rooms outside of the building and some of the judges even, are compelled to have their private working rooms in garrets down town.

Upon careful consideration I am fully convinced that an entire new building should be erected, suitable for the accommodation of the court in its several departments and for the Attorney General's department, and also for the libraries now located in the Capitol. All of these being taken out of the Capitol would leave their present quarters to be arranged for the accommodation of the departments that are in want of room at present.

In such a new building there should be ample vaults to protect records and valuable papers and relics from fire, and the building itself should be as near fire proof as modern science can make it, so that the libraries, both law and general, would be safe for the years to come. It should be built of the most durable material, and its architecture should be rich and classic, to the end that it may be worthy of being the home of the Judicial Department of a great state.

These ideas may not meet your approval, but I suggest them for the purpose of urging you to take hold of the question when it shall be presented, and I commend it to you and to the bar of Michigan as the proper medium of educating our people to the fact that this is one of the urgent needs of our state, and that its consummation should not be delayed.

REVERSALS FOR TECHNICAL ERRORS

HON. GRANT FELLOWS, of Hudson

Some years ago Prof. Knowlton prepared and delivered a lecture on "The Trial of Christ from a Lawyers Standpoint." Recently an author taking the same theme has prepared a work in two volumes in which it is insisted that upon the record of this historic trial there were a large number of errors, many of which might be termed of a purely technical character; and it is urged that the trial did not comport with either the Roman or Jewish law of the time.

I have no doubt that had a writ of error been sued out, a review had in an appellate court, and a new trial ordered for some of these so-called technical errors, that there would have been a gathering of the wise men at the corner grocery, a general alarm would have been sounded that the Appellate Courts were adhering too strictly to the precedents of the past and were out of accord with the then present spirit of the times, were not announcing the law of the land as their constituents thought it ought to be announced. If there had been daily papers published in Jerusalem the next morning's papers of the yellow order would undoubtedly have announced in large head lines on the front page that there had been another miscarriage of justice, and their editorial columns would no doubt have been filled with convincing arguments in favor of the recall of judges. Few trials are recorded in history where the proceedings and results in the trial court were more satisfactory to the public generally, than this so-called trial, conviction, and sentence of the Son of God; and to have disturbed these results for technical errors would have displeased the public generally, and brought down criticism upon the appellate court for adhering too strictly to the law of the land.

In a sense all legal rights are technical. The right of trial by jury secured by the constitution, the rights of person and property are technical rights, and courts of justice are instituted for the protection of these rights. That courts of last resort may include in their membership strict constructionists cannot be doubted; that these strict constructionists are dangerous to the liberties of the people can be seriously doubted. We occasionally hear criticism and unfavorable comment on reversals for technical errors; rarely, if ever, criticism or comment on affirmances for technical reasons. Can there

be any just criticism of a court of last resort which reverses a case because the rights of a litigant were not protected by the trial court, and a just laudation of the same court for an affirmance because an inherently good position is not properly raised on the record. It seems to me that affirmances and reversals on so-called technical grounds must both stand on the same basis, because in both instances the court of last resort decide the case on the record made, in accordance with the law of the land.

These technical rights of the individual were written deep and broad in the law of this commonwealth by the early court which numbered in its membership the gentle Campbell, whose every thought had as its guiding star the rights of the individual, and the steadfast thought that courts were instituted to protect these rights. Fortunate indeed were the sons and daughters of Michigan to have in the formative stage of its jurisprudence the big four, and fortunate indeed for the sons and daughters of Michigan that they were succeeded by able, conscientious men who regarded the upholding of the law as of more importance than public applause. We have had in Michigan comparatively little of criticism of our court of last resort. This may be due, and probably is to a large degree, to the almost uniform confidence in which the Supreme Court of the State has been held by bar and laity alike; in only one instance I think is it recorded that criticism of a member of that tribunal worked his retirement; and then the criticism emanated from only one quarter, due to personal antagonism. It may be that the inherent good common sense of our citizenship has also contributed to this result. It may be that the uniform support the Bar of the State has always extended to the court, has also aided in this desirable attainment. All have contributed, each in his own way, towards upholding the hands of the final arbiters of our rights and our liberties. But our court has never been swerved from what it deemed the administration of the law by either applause or clamor, and has steadfastly protected the individual in his rights be those rights so-called technical or otherwise. Sometimes the individual exhausts his final remedy after being defeated in this tribunal, but the practice is not general and when exercised furnishes in individual cases, partial relief and under such circumstances does but little harm. The attitude of the bar of the State and its citizenship in general, towards the court of last resort has been commendable, and many other states would do well to follow Michigan in this regard. But all states have not been as loyal to their judiciary as has Michigan, and in many jurisdictions, and with many people a reversal for technical errors, or in other words a reversal because the law has not been followed in the trial court, brings down maledictions on the court of review; and in those jurisdictions where everything which bespeaks instability in government is popular, new schemes are proposed which are thought will call for a decision of legal rights more in consonance with the present temper of the people irrespective of precedent or well recognized

legal principles. Michigan has never seriously contemplated adopting these schemes and I do not believe she ever will.

Criticism of reversals for technical errors usually occur in criminal cases. Many times in those cases where the prosecuting officer has tried his case in advance of the court proceedings in the public press, where the public is either inflamed, or aroused from just cause from a long slumber of the public conscience, where public sentiment demands a conviction at all hazards, and where the court of last resort looking at the record as it appears in cold type finds that the rights of the accused have not been protected. The court of last resort after going over the record carefully, comes to the conclusion that the errors were to the prejudice of the respondent, a reversal results, and at once the technicalities of the law, the technicalities which make up the sum of human rights and human liberties are assailed by the unthinking, and the unreasoning, and the uninformed.

That men who make up the courts of last resort are not infallible goes without saying, that all opinions handed down are unsailable cannot be successfully claimed; in fact, we all of us are apt to feel at times that we could have written an opinion more in consonance with the law, at least as we view it, than is the conclusion reached. But with the rule of law and it might be termed a technical rule and a technical right that the appellate court may say upon the whole record that the errors assigned are without prejudice, is there any danger to our institutions from the strict constructionist? Is there any danger to our institutions from an application of legal rights be they technical or otherwise? Is there any danger that the legal, technical rights of the individual charged with crime will be magnified and the rights of the public overlooked? Is there any danger that legal convictions will be set aside? In other words, ought we to ask for a laxity of legal rules where the proceedings are brought to convict a citizen of the violation of the law of his country, or to state it otherwise, where one is charged with the violation of the law he should be tried by the law of the land, in accordance with it, and the law of the land should not be violated or disregarded in order to sustain a conviction for its violation.

Are we not apt to look only at the present case and lose sight of the fact that the court is laying down rules to be followed in future? Are we not apt to consider only present emergencies, losing sight of the fact that the case must be a precedent not only for the court announcing it, but for other courts throughout the land? Are we not apt to overlook the fact that after the heat, the excitement, the prejudice, there is always the cooling off process, and that years later when we look at the case in retrospect we realize that the case has laid down a rule of law to be followed and we then consider the case solely as the decision of the court of last resort as to what the law is rather than the decision of the court of last resort

of a particular case; and as we look at it in retrospect the opinion should appeal to us for its inherent reasoning, for its recognition of sound legal doctrine. Opinions of courts of last resort should appeal to the members of the profession because they state correct rules of law, and because their inherent reasoning appeals to the judgment of its reader, not because a desired result was reached in a particular case.

But how far would the critic of reversals for technical errors advise the court to go in order to affirm the case? Where is the line to be drawn if not at the point of sustaining the law as it is? In what cases is the law to be administered? Sustained? In what overlooked?

In what class of cases are we to have a broad liberality? In what class of cases an application of technical rules? Are we to have an application of technical rules when an affirmance will result? A suspension of them where a reversal will follow? Is the court of last resort to be a court for the correction of errors, or another and a final jury? Where would the critic draw the line, where can it safely be drawn except at the line of administering the law including the rule, which is the law of the land, that the appellate court may say upon the record that the error is without prejudice? At no other point can the line be drawn and human rights and rights of property be safeguarded by courts of last resort.

Criticism of courts of last resort is more liable to occur from reversals for so-called technical errors than from all other causes combined; this criticism of the courts does not beget confidence in our institutions and their integrity, and does not bespeak stability for the law or its administration. It does bespeak untried experiments, and I cannot help but feel that in this emergency a most sacred responsibility rests upon the profession here represented; a duty of upholding the hands of the courts of last resort; a duty of upholding the administration of the law; a duty of upholding the legal rights of the individual, the rights of property and human liberty.

There may be an inclination to join the chorus in the condemnation of the courts because of the drift of the tide. There may be a feeling that at times courts adhere too strictly to the precedents of the past; there may be the thought that substance is sometimes replaced by legal net work, but if we look beyond the present clamor, we must all agree that the court of last resort is the final harbor in which we anchor our rights, our liberties. A harbor which all good citizens, in their calm deliberate judgment, realize must be kept free from the storms of prejudice and passion which sweep the sea outside.

ISAAC P. CHRISTIANCY

HON. HARRY A. LOCKWOOD, Detroit

I have been asked by those having charge of the program of this meeting to supplement the report just submitted with a few remarks in appreciation of the life and work of Isaac P. Christianity. Whether a guiding providence has from time to time provided men capable of satisfying the special needs of the American people in establishing this government, both State and National, or whether each great need has been the opportunity for the specially fitted man to take his place and discharge his duty to his country, we all acknowledge that in a marvelous way we have had the benefit of the labor of truly great men. Under our form of government, with written constitutions, the greatest responsibilities and the largest opportunities come to those who, as judges, interpret these constitutions and in the beginning shape and establish the law and act as the final arbiters in all matters pertaining to the powers and duties of both the governing and the governed. This state was most fortunate in having upon the bench of the Supreme Court during many years after its establishment as an independent court, four men of pre-eminent ability, who, in a great measure, did for this state what John Marshall and his associates did for the National Government. These four men blazed the way, enunciated the great controlling principles and established the course and trend for the judiciary of this state. They gave to our Supreme Court a reputation and high standing throughout all the English speaking countries of the world. Their opinions are and will remain the guiding lights, the controlling authorities and the inspiration to clear thinking and right acting for the entire judiciary. Christianity, Campbell, Cooley and Graves are the "Big Four," the mention of whose names awakens in every lawyer of Michigan a feeling of pride.

A marble bust of Judge Campbell has been in the State Library for several years and this association now places by its side one of Judge Christianity and ere long we hope these two may be joined by busts of Judge Cooley and Judge Graves.

Isaac Peckham Christianity was born at Johnstown, New York, March 12th, 1812. His father, Thomas, was a native of New York State, his ancestors coming from Holland. His mother's name was Peckham and she was a native of Rhode Island. Isaac was the second of a family of eight children and, of necessity, he trod the way taken by so many eminent men of America. Born in a humble home where luxury and idleness, the twin destroyers of men, were

unknown, he had for examples his father, a hard-working blacksmith and later a farmer on a small, new farm, and his mother, equally hard-working as a housekeeper, but possessed of considerable education and refinement and an ambition for better things for this son of promise. When Isaac was twelve years old his father was accidentally injured to such an extent that he was never afterward able to do the heaviest labor. The large strong boy assumed many of the burdens of the bread winner for the family. He attended the public school of the neighborhood in the winters and had the advantage of training by a mother of intellectual activity and ability. This was supplemented by work as a teacher after he had attained the age of eighteen years and about twelve months attendance at the academies at Johnstown and Kingsborough. He had an active mind in a strong body and stimulated thereto by a mother's precepts and example, he early became a great and careful reader of good literature. This custom and habit continued throughout his long life.

At the age of twenty-four, he came to Monroe, Michigan, and soon entered the Federal Land Office as a clerk. He was here brought in contact with several young men of about his age, who formed the group of men in Monroe from whose ranks this state has had servants of great ability, men who attained high honors. With the thoroughness that was a marked characteristic of this life, he delved into the law of real estate while a clerk in the Land Office. He studied first with Hon. John Maynard at Ovid, New York, and later with Hon. Robert McClelland at Monroe, Michigan. Admitted to the bar in 1838, he practiced law in Monroe for twenty years, during six of which he was Prosecuting Attorney of that County. Here again the characteristic of thoroughness made him a master of the criminal law. He became fully possessed of the fundamentals of that branch of jurisprudence and thoroughly imbued with the underlying principles and the broad philosophy of the law of crimes and criminal procedure. During all the years from the time of his admission to the bar down to the time he became a Justice of the Supreme Court of Michigan, he was in the midst of stirring political activity. He was a Whig, a Free Soiler and one of the chief organizers and promoters of the Republican Party. During all the years from Andrew Jackson's administration down to the Civil War, while every phase of the irrepressible conflict was argued and the constitution was interpreted in all kinds of fanciful ways by political gymnasts in an attempt to reconcile irreconcilable doctrines and practices, this healthy, wholesome, vigorous and inquiring mind was always alert and being stored with knowledge of constitutional law and all possible interpretations of the constitution.

He was always strongly anti-slavery and in 1848 was a delegate to, and one of the promoters of, the Free Soil Convention held at Buffalo. He was elected State Senator from the district composed of Monroe, Lenawee, Hillsdale and Branch Counties in 1849 without

opposition and was the Free Soil candidate for Governor of the State in 1852. Perhaps he may justly be called the father of the Republican Party for he was the ardent advocate of the plan to unite in one party all who were opposed to the Kansas-Nebraska measures of Buchanan's administration and he devoted a large part of his time and great ability for several years to inducing Whigs, Free Soilers and Democrats opposed to the extension of slave territory, to join hands upon this issue. I have often heard the late Judge Critchett discuss this period of Judge Christiancy's life and activity. It was the opinion of those who had known Judge Christiancy longest and best that he at this time exhibited his powers of clear statement, lucid logic, compelling persuasiveness and a great life inspired by a great and just conception of right and duty, to the very best advantage and with as large, if not the largest benefits, to his country flowing from any activity of his life. All admit that at this time, the early fifties, he was a tower of strength to any cause he espoused. His was an honest mind, sincere in its purposes and true to its convictions. He attached men to him because of their confidence in the rectitude of his purposes. Largely as a result of his untiring personal effort, the mass convention at Jackson, in the summer of 1854, was brought about and made a success and the Republican Party was then first formed and named.

He took an active part in the Republican National Convention in 1856, being a member of the committee on resolutions which framed its platform. In 1857 he was elected Justice of the then new Supreme Court of this state and was twice re-elected. At his second election, the Democratic Party made no nomination against him and for his third election, he was nominated by both parties. On this truly great bench, he was the peer of his great associates. For strong reasoning, lucid statement and clear-cut decisions of the precise questions involved, his opinions are models worthy to be followed by all judges.

While he did not enjoy the chancery work as he did the work on the law side, he has given opinions in chancery cases showing how clear cut was his comprehension and statement of facts and how thorough his grasp of the broad foundations of equity jurisprudence. He was a great judge in all branches of the law but in the law of real estate and in criminal law he was pre-eminent.

I will not weary you by calling to your attention particular opinions. His are found in 27 volumes of Michigan Reports from Volumes 5 to 31 inclusive. They cover the widest range of subjects and questions and are a monument, better and more enduring than anything we may create or erect, to the learning and industry of the man.

We of this day can hardly realize the dearth of law books and authorities in Michigan from fifty to seventy years ago. When Judge Christiancy went upon the bench the 4th volume of Michigan

Reports had not been published. The best law libraries in this state were just beginnings and "the lawyer with one book," that dread spectator to those in opposition, was of necessity the rule rather than the exception. Judge Christianity did his full share in the original thinking and in the production of "Judge Made Law." This variety of law, just at this time unjustly maligned by loose thinking demagogic reformers, is the greatest inheritance of the American people and their one safeguard against the wildest heresies of misled and uninformed temporary majorities. The characteristics of the opinions of Judge Christianity, which especially commend them to the lawyer and judge, are accurate reasoning and clear statement. His opinions illustrate the certainty and full conviction of their author. The precise meaning of the language employed is readily apprehended. There is nothing of the hazy indefiniteness and uncertainty about these opinions that so often renders decisions useless as precedents.

A story is told in Monroe that illustrates how the Supreme Court Judges wrote (not dictated) their opinions fifty years ago and how insistent Judge Christianity was for the particular form of an opinion. The Judge having written a long opinion, with many erasures and interlineations on the first draft, turned it over to his son James, who was a very excellent penman, with instructions to make a good clear draft. In due time the very beautiful draft was handed to the Judge, who sat down to enjoy a final reading of the finished opinion. Soon from the room in which the Judge sat there came sounds indicating astonishment, doubt and finally disgust. James was called and asked what he had done. He insisted that he had made a copy but the Judge promptly protested that he never wrote the opinion he held in his hand. Thereupon James, who had just returned from college, admitted that while copying he had found some parts of the opinion, which, in his estimation, should be corrected and slightly modified to conform to the canons of literary style and for the sake of smoothness. It is reported that the Judge told James, with more force than elegance, that it was the benefit of his penmanship that was wanted and that no requisitions had been made upon his literary ability nor his legal learning. Another copy was made and the opinion appears in the "old man's" own style.

It was unfortunate, and so recognized by Judge Christianity in later life, that in January, 1875, without a campaign on his part, he was elected United States Senator from Michigan by a combination of Democrats with a small number of Republicans who would not vote for the Republican nominee, Senator Chandler. He resigned as Judge and went as a Senator to Washington, where he remained until January, 1879, at which time he was appointed Minister to Peru. In 1882 he returned to Lansing, Michigan, and continued to reside there the remainder of his life. For five years after he returned to Lansing, he occasionally briefed and argued important cases. I heard him make his last argument in court. This argument was made in 1887

in the case of *Sterling vs. Jackson* and dealt with the questions of riparian rights along the shores of the Great Lakes and in the bays and inlets connecting with them. While the physical infirmities of old age were plainly noticeable, his mind was clear and strong and the same felicity of style, so noticeable in his opinions, was present in the clean cut and accurate statements of facts and the law applicable thereto. He died at Lansing, Michigan, on September 17th, 1890. He was beloved by his neighbors and all who knew him well. He was a highminded, honest and sincere man to whom great honors came because he greatly deserved them. We place this memorial beside a similar one of his great associate upon the bench in the capitol building of this State, which was the forum of much of the greatest and most enduring work done by Judge Christiancy. This will not only serve as a memorial of the work accomplished by him but as a reminder and inspiration to those who follow.

"Within thyself, however low thy state,
"Is strength to rise above its cringing grind,
"From lowliness have sprung the truly great;
"All barriers fall before a forceful mind."

ANNUAL ADDRESS

RECENT INTERPRETATION OF THE SHERMAN ACT.

HON. GEORGE W. WICKERSHAM,
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The only legitimate end and object of all government is the greatest good of the greatest number of the people. The means by which this end is attained vary in accordance with the experience and the temperament of the people. Government is necessarily more or less of an experiment at all times, but as men have been making similar experiments ever since the dawn of recorded history, the waste of repeating unsuccessful experiments of the past may be avoided by studying the records of the results of earlier effort; and, other things being equal, all thoughtful persons will agree, that the probabilities of success will be greater if action be taken along lines which in the past, under similar conditions, has been attended with resulting benefit to the common weal. All history demonstrates the fact that the greatest prosperity to the State has resulted from allowing to individual effort in trade and commerce the utmost freedom consistent with the protection of society at large.

Yet the experience of the remote as well as of the recent past demonstrates the necessity of some governmental regulation of private enterprise, in order that the fruits of industry may not be entirely garnered into a few hands, and that the freedom of individual effort may not be unduly restrained.

We need look no further than to the history of England, from which we derive most of our conceptions of civil liberty, for evidence of the character of evils affecting trade and commerce which commercial prosperity tends to develop, and of the methods which have proved most effective in restricting those evils.

The first statute enacted in England in 1436 against agreements in restraint of trade (15 Henry VI. re-enacted 1503, 19 Henry VI. c. 7) was directed against regulations made "by persons in confederacy" "for their singular profit and the common damage of the people." Note that even at that early date the action of the legislature was directed at curbing the selfish exercise of power by a few for their own benefit, but to the common damage of the people.

The considerations upon which contracts in restraint of trade were held void at common law, as our Supreme Court has often pointed out, were (1) the injury to the public by being deprived of the restricted party's industry; and (2) the injury to the party himself by being precluded from pursuing his occupation thus tending to make him more or less of a public charge.¹ In the case of a corporation chartered by a State to carry on a particular business, any agreement entered into voluntarily by it which impaired or restricted in any material degree its power to discharge the functions conferred upon it by the State, was necessarily contrary to the public policy and void.²

Monopolies in trade have been at all times, under all forms of government, regarded as obnoxious to the general welfare. They were early declared to be contrary to the law of England; and the outburst of popular resentment to the grant by Queen Elizabeth to certain of her favorites of the exclusive right of dealing in particular commodities, compelled even that powerful monarch to disclaim any intention to offend against the popular sense of right and justice of her subjects, and to blame her advisers for the acts which she formally disavowed:

"There are no Patents now of force," declared Cecil, speaking to the House of Commons concerning the various grants of Monopoly, "which shall not presently be revoked; for what Patent soever is granted there shall be left to the overthrow of that Patent, a Liberty agreeable to the Law. There is no Patent, if it be *Malum in se*, but the Queen was ill apprized of her grant. But all to the generality be unacceptable. I take it, there is no Patent, whereof the Execution hath not been injurious. Would that they had never been granted. I hope there shall never be more. (All the House said Amen.)"³

The vice of monopoly was recognized in England to be the power acquired by the monopolist to control prices by excluding competition. With the tremendous development of the marvelous natural resources of a new country, and the unprecedented powers conferred by State legislation throughout the United States upon associations of individuals under corporate form, the opportunity and the machinery for the centralization of control over great industries proved so tempting to cupidity, that twenty odd years ago, even so busy, self-satisfied a people as the prosperous citizens of these United States were aroused to the necessity of checking the rapid tendency to the concentration of control of great industries into a few hands. While the State courts and legislatures attempted to deal with the subject, it was soon recognized that only the national government could adequately grapple with an evil which had become national in its extent. The simple but unlimited power vested in

1 *Gibbs v. Gas Co.*, 130 U. S., 396, 409.

2 *People v. N. River Sugar Ref. Co.*, 54 Hun. 354.

3 *D'Ewes Journal of the Parliaments of Elizabeth*, p. 652.

Congress "to regulate commerce 'with foreign nations and among the "several States, and with the Indian tribes," furnished the general government with sufficient jurisdiction to protect the commerce of the nation from undue restraints and monopolization.

So the act of July 2, 1890, was passed, declaring in terms so comprehensive, yet so simple, that it has required two decades of judicial exposition to bring their meaning home to the people with living force, that "every contract, combination in the form of trust or "otherwise, or conspiracy in restraint of commerce among the States, "or with foreign nations," is illegal; and that every person who shall monopolize or attempt to monopolize any part of such trade or commerce, is guilty of a misdemeanor; and that the United States Circuit Courts sitting in equity shall have jurisdiction, at the suit of the United States, to prevent and restrain all violations of the act. Very slowly indeed has a full consciousness of the meaning of this law come over the intelligence of the American people. The first effort to apply it, in the Knight case, (156 U. S. 1) proved abortive, partly because of an imperfect recognition of the remedies which should have been sought; partly because of a too narrow conception of the extent of Congressional power over interstate commerce.

It was then successfully directed in the Trans-Missouri ⁴ and the Joint Traffic Association ⁵ cases against agreements between interstate railroads made to control rates of interstate transportation; but an extreme statement of the meaning of the phrase "restraint of trade" enunciated in the opinions of the court in those cases, became the basis of a school of literal interpretation which seemed bent upon reducing the law to an absurdity and thus creating a public sentiment which would make impossible its enforcement. Yet the author of those opinions in the second of them rejected with some sarcasm the interpretation sought to be placed upon his language in the earlier one. Observing at the outset that no contract of the nature described by counsel as those which he suggested would be invalidated by the application of the meaning given by the court to the words of the act, was before the court in the case under consideration, and that there was, therefore, some embarrassment in assuming to decide just how far the act might go in the direction claimed, Justice Peckham said:

"Nevertheless, we might say that the formation of corporations for business or manufacturing purposes has never, to our knowledge, been regarded in the nature of a contract in restraint of trade or commerce. The same may be said of a contract of partnership. It might also be difficult to show that the appointment by two or more producers of the same person to sell their goods on commission was a matter in any degree in restraint of trade. We are not aware that it has ever been claimed that a lease or purchase by a farmer,

⁴ 166 U. S. 290.

⁵ 171 U. S. 506.

manufacturer, or merchant, of an additional farm, manufactory, or shop, or the withdrawal from business of any farmer, merchant or manufacturer, restrained commerce or trade within any legal definition of that term; and the sale of a good will of a business with an accompanying agreement not to engage in a similar business was instanced in the *Trans-Missouri case* as a contract not within the meaning of the act; and it was said that such a contract was collateral to the main contract of sale and was entered into for the purpose of enhancing the price at which the vendor sells his business."

In the *Addyston Pipe case* ⁶ it was held that the act operated to invalidate an agreement between members of an association of corporate manufacturers of iron pipe, made for the purpose of controlling prices by suppressing competition among themselves. *Montague v. Lowry* ⁷ was to the same effect.

In the *Northern Securities case*, it was held that control of two competing lines of interstate railway could not be acquired by vesting a majority of the stock of each in a corporation organized under the laws of New Jersey, without violating the act. In the *Swift case* ⁸ a combination between competitors in the business of buying and shipping live stock and converting it into fresh meats for human consumption, suppressing bidding against each other, and arbitrarily, from time to time, raising, lowering and fixing prices, and combining to make uniform charges to the public, was also held within the prohibition of the statute.

In the *Danbury hat case* ⁹ a combination of individuals to prevent defendants (manufacturers of hats) from manufacturing and shipping hats in interstate commerce, was condemned; and in the *Continental Wallpaper case* ¹⁰ a combination of manufacturers of wall paper, fixing prices and providing against sales except under agreements between members of the combination, was held to violate the law. In the meantime, certain of the decisions had drawn a line of differentiation, by holding that the act was not intended to affect contracts which have only a remote and indirect bearing upon commerce between the States, ¹¹ and that a covenant by the vendor of an interstate business to protect the purchaser from competition for a reasonable period, made as a part of the sale of the business, and not as a device to control commerce, was neither within the letter nor the spirit of the act, ¹² While the intent of parties entering into a particular agreement or combination, etc., was held to be immaterial where the necessary inference from the facts was that the direct and necessary result of the agreement was to restrain trade,

⁶ 175 U. S. 227.

⁷ 193 U. S. 38.

⁸ 196 U. S. 376.

⁹ *Loewe v. Lawler*, 218 U. S. 274.

¹⁰ 212 U. S. 227.

¹¹ *Field v. Barber Asphalt Co.*, 194 U. S. 618; *Hopkins v. United States*, 171 U. S. 578.

¹² *Cincinnati Packet Co. v. Bay*, 200 U. S. 179.

yet in the *Swift* case, Justice Holmes pointed out that intent was almost essential to a combination in restraint of commerce among the States, and was essential to an attempt to monopolize the same.

"Where acts are not sufficient in themselves to produce a result which the law seeks to give them—for instance, the monopoly—but require further acts in addition to the mere forces of nature to bring that result to pass, an intent to bring it to pass is necessary in order to produce a dangerous probability that it will happen * * *. But when that intent and the consequent dangerous probability exist, this statute, like many others and like the common law in some cases, directs itself against that dangerous probability as well as against the completed result."¹³

The proceeding against the **American Tobacco** combination brought before the court for the first time the question of the full interpretation of the statute in its application to attempts to monopolize, and in deciding the case in the Circuit Court, Judge Lacombe expressed the extreme view of the school of literal interpretation by asserting that the act prohibited every contract which to any extent operated to restrain competition in interstate commerce.

"Size," he said, "is not made the test: Two individuals who have been driving rival express wagons between villages in contiguous states, who enter into a combination to join forces and operate a single line, restrain an existing competition; and it would seem to make little difference whether they make such combination more effective by forming a partnership or not."¹⁴

On the other hand, Circuit Judge Hook in the **Standard Oil** case, decided in the Eighth Circuit after the decision in the Tobacco case, said:

"The construction of the act should not be so narrow or technical as to belittle the work of Congress, but on the contrary it should accord with the great importance of the subject of the legislation and the broad lines upon which the act was framed. The language employed in the act is as comprehensive as the power of Congress in the premises, and the purpose was not to hamper business fairly conducted, but adequately to promote the common interest in freedom of competition and to remove improper obstacles from the channels of commerce that all may enter and enjoy them. The wisdom of the law lies in its spirit as well as in its letter, and unless they go together in its construction and application justice goes astray."

Speaking of the application of the second section of the act, he added that the modern doctrine with respect to monopoly "is but a "recognition of the obvious truth that what a government should not "grant, because injurious to public welfare, the individual should not "be allowed to secure and hold by wrongful means."

¹³ *Swift & Co. v. United States*, 196 U. S. 396.

¹⁴ 164 Fed. 702.

This being the state of the law, the four decisions involving a construction of the act rendered by the Supreme Court during the term just closed, are of especial interest. The first case decided came up on writ of error brought by the United States to reverse a judgment of the Circuit Court in New York sustaining pleas in bar to an indictment for conspiracy to restrain interstate commerce in violation of the first section of the act.¹⁵ The facts stated in the plea showed that the conspiracy had been originally entered into more than three years before the finding of the indictment. The Circuit Court had held that the crime was completed as soon as the conspiracy was formed. But the indictment charged a continuing conspiracy to eliminate competition. The court said:

"A conspiracy to restrain or monopolize trade by improperly excluding a competitor from business contemplates that the conspirators will remain in business and will continue their combined efforts to drive the competitor out until they succeed. If they do continue such efforts in pursuance of the plan the conspiracy continues up to the time of abandonment or success."

The facts set forth in the indictment as the means by which the alleged purpose was to be accomplished showed that the acts committed by the defendants were for the purpose of preventing a competing company from engaging in business; that this prevention continued and could only be terminated by the affirmative act of the defendants, which act had not been performed. The plea was therefore held bad.

"A conspiracy in restraint of trade," said Mr. Justice Holmes, "is different from and more than a contract in restraint of trade. A conspiracy is constituted by an agreement, it is true, but it is the result of the agreement, rather than the agreement itself; just as a partnership, although constituted by a contract, is not the contract but is a result of it. The contract is instantaneous, the partnership may endure as one and the same partnership for years. A conspiracy is a partnership in criminal purposes. That as such it may have continuation in time is shown by the rule that an overt act of one partner may be the act of all without any new agreement specifically directed to that act. * * *"

The next case decided was that of **Dr. Miles Medical Company vs. John D. Park & Sons Company**. That was a suit in equity brought by a manufacturer of proprietary medicines prepared in accordance with secret formulas, to prevent dealings in them by third parties in violation of a system of contracts with its purchasers, denominated as agents (wholesale distributing agents, and retail distributing agents) to maintain certain prices fixed by it for all sales of its products at wholesale or retail. The court held that the evidence showed that complainant had created—

¹⁵ U. S. v. Kissel, 218 U. S. 601.

"a system of interlocking restrictions by which the complainant seeks to control not merely the prices at which its agents may sell its products, but the prices for all sales by all dealers at wholesale or retail, whether purchasers or sub-purchasers, and thus to fix the amount which the consumer shall pay, eliminating all competition."

The court quoted the description of the essential features of the system given by Mr. Justice Lurton in his opinion in the Circuit Court of Appeals, as follows:

"The contracting wholesalers or jobbers covenant that they will sell to no one who does not come with complainant's license to buy, and that they will not sell below a minimum price dictated by complainant. Next, all competition between retailers is destroyed, for each such retailer can obtain his supply only by signing one of the uniform contracts prepared for retailers, whereby he covenants not to sell to anyone who proposes to sell again unless the buyer is authorized in writing by the complainant, and not to sell at less than a standard price named in the agreement. Thus all room for competition between retailers, who supply the public, is made impossible. If these contracts leave any room at any point of the line for the usual play of competition between the dealers in the product marketed by complainant, it is not discoverable. Thus a combination between the manufacturer, the wholesalers and the retailers to maintain prices and stifle competition has been brought about."

That these agreements restrained trade the court held to be obvious. That, having been made, as the bill alleged, with most of the jobbers and wholesale druggists and a majority of the retail druggists of the country, and having for their purpose the control of the entire trade, they related directly to interstate as well as intrastate trade, and operated to restrain commerce among the several States, was also stated to be clear. The court analyzed and dismissed the contention that the restraints were valid because they related to proprietary medicines manufactured under a secret process. It further held that a manufacturer cannot by rule and notice, in the absence of contract or statutory right, even though the restriction be known to purchasers, fix prices for future sales. Reference was made in this regard to the decision by the Supreme Court in the case of **Bobbs-Merrill Co. vs. Strauss** ¹⁶ that no such privilege exists under the copyright statutes, although the owner of a copyright has the sole right to vend copies of the copyrighted production, and it was said that the manufacturer of an article of commerce not protected by any statutory grant was not in any better case. The agreements in the case at bar were obviously designed to maintain prices after the complainant had parted with title to the articles, and to prevent competition among those who traded in them, and for that reason they were held to be void. The court cited a long line of cases by which it had been adjudged that agreements or combinations between

dealers, having for their sole purpose the destruction of competition and the fixing of prices, are injurious to the public interests and void.

"They are not saved by the advantages which the participants expect to derive from the enhanced price to the consumer. * * * And where communities have passed into the channels of trade and are owned by dealers, the validity of agreements to prevent competition and to maintain prices is not to be determined by the circumstance whether they were produced by several manufacturers or by one, or whether they were previously owned by one or by many. The complainant having sold its product at prices satisfactory to itself, the public is entitled to whatever advantage may be derived from competition in the subsequent traffic." 17

Following these two cases, the Supreme Court next addressed itself to the decision of the cases of the two great monopolistic combinations—the Standard Oil and the American Tobacco.

In the Standard Oil case, the Supreme Court affirmed a decree of the Circuit Court which adjudged that the individual and corporate defendants had entered into and were carrying out a combination or conspiracy in restraint of interstate and foreign commerce in petroleum and its products, such as was prohibited by the first section of the act; and that by means of this combination those defendants had combined and conspired to monopolize, had monopolized and were continuing to monopolize a substantial part of the commerce among the States, in the Territories and with foreign nations, in violation of section 2 of the act.

This conclusion was based on the following considerations, viz:

1. "Because the unification of power and control over petroleum and its products which was the inevitable result of the combining in the New Jersey corporation by the increase of its stock and the transfer to it of the stocks of so many other corporations, aggregating so vast a capital, gave rise, in and of itself, in the absence of countervailing circumstances, to say the least, to the *prima facie* presumption of intent and purpose to maintain the dominancy over the oil industry, not as a result of normal methods of industrial development, but by new means of combination which were resorted to in order that greater power might be added than would otherwise have arisen had normal methods been followed, the whole with the purpose of excluding others from the trade and thus centralizing in the combination a perpetual control of the movements of petroleum and its products in the channels of interstate commerce."

2. "Because this *prima facie* presumption was made conclusive by considering the conduct of the persons and corporations who were mainly instrumental in bringing about the acquisition by the New Jersey corporation of the stocks of the large number of corporations which it acquired, as well as the modes in which the power vested in the New Jersey

corporation had been exerted and the results which had arisen from it.

The acts of the defendants preceding the transfers to the New Jersey company of the shares of stock of a large number of other corporations were held by the court to evidence—

“an intent and purpose to exclude others which was frequently manifested by acts and dealings wholly inconsistent with the theory that they were made with the single conception of advancing the development of business power by usual methods, but which on the contrary necessarily involved the intent to drive others from the field and to exclude them from their right to trade and thus accomplish the mastery which was the end in view.”

Confirmation of the finding of a continuous intent in the defendants to exclude others from the field and themselves to dominate it, was found in an examination of the exercise of its power by the combination after it was formed.

“* * * The acquisition here and there which ensued of every efficient means by which competition could have been asserted, the slow but resistless methods which followed by which means of transportation were absorbed and brought under control, the system of marketing which was adopted by which the country was divided into districts and trade in each district in oil was turned over to a designated corporation within the combination and all others were excluded, all lead the mind up to a conviction of a purpose and intent which we think is so certain as practically to cause the subject not to be within the domain of reasonable contention.”

Briefly, therefore, the decision of the court was put upon the ground that the defendant, by vesting in a New Jersey corporation the stocks of a large number of other corporations engaged in various branches of the production, refining, transportation and marketing of petroleum and its products, which but for such control would or might have been engaged in competition with each other in interstate and foreign commerce in those commodities, had acquired the control of that commerce; and that such control was acquired and had been and was exercised with the intent and purpose of maintaining it—not as a result of normal methods of business, but by new means of combination, resorted to in order to secure greater power than would have been acquired by normal methods, and of driving out and excluding, so far as possible, all competitors in the business, and thus centralizing in the combination a perpetual control of the movements of petroleum and its products in the channels of interstate commerce.

It was not alone the acquisition of a large share of commerce among the States and with foreign countries, upon which the court predicated the conclusion of unlawful combination and monopolization; but the attainment of dominion over a substantial part of that commerce by means of intercorporate stock holdings in actually or

potentially competing corporations, accompanied by the exclusion of competitors, and attended with continued acts evidencing an intent and purpose to retain controlling power over the business and to exclude and suppress all competition with it.

In reaching the conclusions stated, the Chief Justice reviewed the history of the English law on the subject of monopolies and restraints of trade, and held that the Sherman Act "was drawn in the light of the existing practical conception of the law of restraint of trade," and that "in view of the many new forms of contracts and combinations which were being evolved from existing economic conditions, it was deemed essential by an all-embracing enumeration to make sure that no form of contract or combination by which an undue restraint of interstate or foreign commerce was brought about could save such restraint from condemnation. The statute, under this view, evidenced the intent not to restrain the right to make and enforce contracts, whether resulting from combination or otherwise, which did not unduly restrain interstate or foreign commerce, but to protect that commerce from being restrained by methods, whether old or new, which would constitute an interference, that is an undue restraint."

The Chief Justice further said that as the act had not defined contracts in restraint of trade, the standard of reason which had been applied at the common law and in this country in dealing with subjects of the character embraced in the statute, was intended to be the measure used for determining whether in a given case a particular act had or had not brought about the wrong against which the statute provided. He rejected the idea that the use of the words "every contract, etc., in restraint of trade" in the Statute leaves no room for the exercise of judgment, "but simply imposes the plain duty of applying its prohibitions to every case within its literal language." This, he said, would be to make the Statute "destructive of all right to contract or agree to combine in any respect whatever as to subjects embraced in interstate trade or commerce." He cited the language of Justice Peckham in writing the opinion of the court in *Hopkins vs. United States*, 171 U. S. 578, 592:

"To treat as condemned by the act all agreements under which, as a result, the cost of conducting an interstate commercial business may be increased would enlarge the application of the act far beyond the fair meaning of the language used. There must be some direct and immediate effect upon interstate commerce in order to come within the act."

And he observed—

"If the criterion by which it is to be determined in all cases whether every contract, combination, etc., is a restraint of trade within the intendment of the law, is the direct or indirect effect of the acts involved, then of course the rule of reason becomes the guide * * *."

A consideration of the text of the second section, he said, serves to establish that it was intended to supplement the first and to make sure that by no possible guise could the public policy embodied in the first section be frustrated or evaded.

"In other words, having by the first section forbidden all means of monopolizing trade, that is unduly restraining it by means of every contract, combination, etc., the second section seeks, if possible, to make the prohibition of the act all the more complete and perfect by embracing all attempts to reach the end prohibited by the first section, that is, restraints of trade by any attempt to monopolize, or monopolization thereof, even although the acts by which such results are attempted to be brought about or are brought about are not embraced within the enumeration of the first section." ¹⁸

Mr. Justice Harlan, in a separate opinion, while concurring in the main with the decision of the court, interpreted the majority opinion as amounting to a reading into the statute of the word "unreasonable" before the words "restraint of trade," and vigorously protested that such interpretation was in substance the reversing of the previous deliberate judgments of the court to the effect "that the 'act interpreting its words in their ordinary acceptance, prohibits all 'restraints of interstate commerce by combinations in whatever form, 'and whether reasonable or unreasonable."

Two weeks after the decision in the *Standard Oil* case,, the court rendered its decision in the case against the *Tobacco* combination. In his opinion, which was concurred in by all the associate justices but Harlan, the Chief Justice interpreted the opinion in the former case and answered the criticisms of Mr. Justice Harlan and those who had expressed views as to the meaning of the *Standard Oil* decision similar to his.

"In that case," said the Chief Justice, "it was held without departing from any previous decision of the court that as the statute had 'not defined the words 'restraint of trade' it became necessary to construe those words, a duty which could only be discharged by a 'resort to reason.'" He quoted the language of Justice Peckham in the *Joint Traffic* case (171 U. S., 568):

"The act of Congress must have a reasonable construction, or else there would scarcely be an agreement or contract among business men that could not be said to have, indirectly or remotely, some bearing upon interstate commerce, and possibly to restrain it.

"Applying," said the Chief Justice, "the rule of reason to the construction of the statute, it was held in the *Standard Oil* case that as the words restraint of trade at common law and in the law of this country at the time of the adoption of the Anti-trust Act only embraced acts or contracts or agreements or combinations which operated to the prejudice of the public interests by unduly re-

18 *Hopkins v. U. S.*, 171 U. S. 578, 592.

stricting competition or unduly obstructing the due course of trade, or which, either because of their inherent nature or effect or because of the evident purpose of the acts, etc., injuriously restrained trade, that the words as used in the statute were designed to have and did have but a like significance. It was therefore pointed out that the statute did not forbid or restrain the power to make normal and usual contracts to further trade by resorting to all normal methods, whether by agreement or otherwise, to accomplish such purpose. In other words, it was held not that acts which the statute prohibited could be removed from the control of its prohibitions by a finding that they were unreasonable, but that the duty to interpret which inevitably arose from the general character of the term restraint of trade required that the words restraint of trade should be given a meaning which would not destroy the individual right to contract and render difficult if not impossible any movement of trade in the channels of interstate commerce—the free movement of which it was the purpose of the statute to protect.”¹⁹

The facts presented in the Tobacco case were more intricate and involved than those in the Standard Oil case. Not only was the American Tobacco Company the holder of stocks in other companies, but it was itself a consolidated company formed by the merger under the laws of New Jersey of three pre-existing companies. The combination of many previously competing companies was created first by the transfers of shares of stock from one to the other, and was afterwards cemented by absolute conveyances of land plants and other property and business. The nucleus of the combination was the original American Tobacco Company, organized in January, 1890, and to which was at once conveyed by deed and transfer the plants and business of five different concerns, competitors in the purchase of the raw product which they manufactured, and in the distribution and sale of the manufactured products. The result of this combination was to give to the new company immediately on its organization a practical monopoly of the cigarette business of the United States, and that accomplishment colored all subsequent proceedings in the widening sweep of the combination, the progress of which was noted by the Supreme Court as being attended with the constant acquisition of competing concerns, buttressed by covenants on the part of all their officers and principal stockholders not to engage in business in competition with the purchaser; and in the acquisition of many competitors, not for the purpose of continuing their operation, but of closing them down and putting them permanently out of business. A summary of the salient facts dwelt on by the court as the basis for its decision was made in this language:

“Thus, it is beyond dispute: First, that since the organization of the new American Tobacco Company that company has acquired four large tobacco concerns, that restrictive covenants against engaging in the tobacco business were

19 U. S. v. American Tobacco Co., et al.

taken from the sellers, and that the plants were not continued in operation but were at once abandoned. Second, that the new company has besides acquired control of eight additional concerns, the business of such concerns being now carried on by four separate corporations, all absolutely controlled by the American Tobacco Company, although the connection as to two of these companies with that corporation was long and persistently denied.

Thus reaching the end of the second period and coming to the time of the bringing of the suit, brevity prevents us from stopping to portray the difference between the condition in 1890 when the (old) American Tobacco Company was organized by the consolidation of five competing cigarette concerns and that which existed at the commencement of the suit. That situation and the vast power which the principal and accessory corporate defendants and the small number of individuals who own a majority of the common stock of the new American Tobacco Company exert over the marketing of tobacco as a raw product, its manufacture, its marketing when manufactured, and its consequent movement in the channels of interstate commerce, indeed, relatively, over foreign commerce, and the commerce of the whole world, in the raw and manufactured products stand out in such bold relief from the undisputed facts which have been stated

* * *

These undisputed facts, the court well said, involved questions as to the operation of the anti-trust law not hitherto presented in any case. They clearly demonstrated that the acts, contracts, agreements, combinations, etc., which were assailed were of such an unusual and wrongful character as to bring them within the prohibitions of the law.

"Indeed," said the Chief Justice, "the history of the combination is so replete with the doing of acts which it was the obvious purpose of the statute to forbid, so demonstrative of the existence from the beginning of a purpose to acquire dominion and control of the tobacco trade, not by the mere exertion of the ordinary right to contract and to trade, but by methods devised in order to monopolize the trade by driving competitors out of business, which were ruthlessly carried out upon the assumption that to work upon the fears or play upon the cupidity of competitors would make success possible."²⁰

These conclusions were stated to be inevitable, not because of the vast amount of property aggregated by the combination, not because alone of the many corporations which the proof showed were united by resort to one device or another, not alone because of the dominion and control over the tobacco trade which actually existed; but because the court was of opinion that the conclusion of wrongful purpose and illegal combination was overwhelmingly established by the following considerations:

²⁰ U. S. v. American Tobacco Co., et al.

²¹ U. S. v. American Tobacco Co. et al.

1. The fact that the first organization or combination was impelled by a previously existing fierce trade war, evidently inspired by one or more of the minds which brought about and became parties to the combination.

2. Because, immediately after that combination, the acts which ensued justified the inference that the intention existed to use the power of the combination as a vantage ground to further monopolize the trade in tobacco by means of trade conflicts designed to injure, either by driving competitors out of the business or compelling them to become parties to the combination.

3. By the ever-present manifestation of a conscious wrongdoing by the form in which the various transactions were embodied from the beginning—now the organization of a new company, now the control exerted through taking up stock in one or another or in several, so as to obscure the result actually attained, evidencing a constant purpose to restrain others and to monopolize and retain power in the hands of the few who, from the beginning, contemplated the mastery of the trade which followed.

4. By the absorption of control of all the elements essential to the manufacture of tobacco and its products, and placing such control in the hands of seemingly independent corporations serving as perpetual barriers against others in the trade.

5. By persistent expenditure of large sums in buying out plants not to utilize but to close up, rendering them useless for the purposes of trade.

6. By the constantly recurring stipulations exacted from manufacturers, stockholders, or employees, binding themselves generally for long periods not to compete in the future.

From all of these acts the court deduced the conclusion that the defendants had been engaged in a largely successful effort, extending over a period of years, to monopolize (that is, wrongfully to acquire to themselves) the dominion over the manufacture and marketing of tobacco and its products and accessories, not by normal methods of business, but by unfair and subtle methods of combination, resorted to in order to secure greater power than they could have acquired by normal methods of business, and with the intention of driving out and excluding so far as possible all other competitors and centralizing in the combination a perpetual control of the movements of tobacco and its products and accessories in the channels of interstate and foreign commerce.

The remedy to be applied in the **Standard Oil** case was comparatively simple and obvious, and the decree of the Circuit Court which, with slight modifications, was affirmed by the Supreme Court, to use the language of that court, "commanded the dissolution of the "combination, and therefore, in effect, directed the transfer by the "New Jersey corporation back to the stockholders of the various

"subsidiary corporations entitled to the same, of the stock which "had been turned over to the New Jersey corporation in exchange "for its stock, and enjoined the stockholders of the corporations after "the dissolution of the combination from by any device whatever "recreating directly or indirectly the illegal combination which the "decree dissolved."

A far more intricate problem was presented in the Tobacco case, as was frankly recognized by the court. Conveyances, consolidations and mergers, and the dissolution of previously existing corporations whose stocks and properties had been acquired, had so blended the whole combination into new form as to make it impossible to effect a dissolution by the simple method applicable to the Standard Oil case, and therefore the Supreme Court said that, in determining the relief proper to be given, it might not model its action upon that granted by the court below, but in order to award relief coterminous with the ultimate redress of the wrongs which the court found to exist, it must approach the subject of relief from an original point of view. In considering the subject from that aspect, the court said that three dominant influences must guide its action:

"1. The duty of giving complete and efficacious effect to the prohibitions of the statute; 2, the accomplishment of this result with as little injury as possible to the interest of the general public; and, 3, a proper regard for the vast interests of private property which may have become vested in many persons * * * without any guilty knowledge or intent in any way to become actors or participants in the wrongs which we find to have inspired and dominated the combination from the beginning."

For the purpose of meeting that situation the court declared that it might at once resort to one or the other of two general remedies:

"a, the allowance of a permanent injunction restraining the combination as a universality and all the individuals and corporations which form a part of or co-operate in it in any manner or form from continuing to engage in interstate commerce until the illegal situation be cured * * *; or, b, to direct the appointment of a receiver to take charge of the assets and property in this country of the combination in all its ramifications for the purpose of preventing a continued violation of the law, and thus working out by a sale of the property of the combination or otherwise, a condition of things which would not be repugnant to the prohibitions of the act."

The court, however, in consideration of the public interests and that of innocent participants, determined to send the case back to the Circuit Court, with directions to endeavor to ascertain and determine upon some plan or method of dissolving the combination and working out a lawful condition of things, if that could be done within a period of six months, with a possible extension of two months longer; but that in the event that such condition of dis-

integration in conformity with the law should not be brought about within that time, it should be the duty of the court—

“either by way of an injunction restraining the movement of the products of the combination in the channels of interstate or foreign commerce, or by the appointment of a receiver, to give effect to the requirements of the statute.”

Probably no more drastic decree has ever been entered by the Supreme Court than this. The court remits to the Circuit Court the execution of a decree of dissolution of a combination of sixty-seven corporations and twenty-nine individuals, with assets amounting to upwards of \$400,000,000 book value, and net earnings exceeding \$36,000,000 per annum; which had acquired 77 per cent of the entire business of the United States in manufactured tobacco, plug and smoking tobacco; 96 per cent of snuff; 77 per cent of cigarettes; 91 per cent of little cigars; and 14 per cent of cigars and stogies; and which has acquired probably the most extensive monopoly of interstate and foreign commerce ever created in the world. This combination was ordered to be resolved into, not necessarily its original elements; but, in effect, to be divided up into a number of separate and distinct integers, no one of which should threaten monopoly, and which should not either by reason of their organization and business, or in their relation to each other, constitute combinations in restraint of interstate or foreign commerce. The Supreme Court not only empowered, but directed the Circuit Court, in case this lawful condition should not be brought about within a period of six or eight months, to either appoint a receiver of this vast property for the purpose of, by sale or otherwise, working out the ordered disintegration; or by injunction to paralyze and end its conduct of interstate business. Those who have thoughtlessly yielded to the superficial conclusion resulting from the application by the Chief Justice of the rule of reason to the interpretation of the Sherman law, can find but little to justify the idea that the Sherman law has been rendered ineffective by these two decisions, for precisely the contrary is clearly established by these great judgments. The most cursory examination of the decree in the Tobacco case,—the most casual consideration of the drastic and far-reaching remedy imposed, makes it perfectly apparent that the Sherman law, perhaps for the first time, has been demonstrated to be an actual, effective weapon to the accomplishment of the purpose for which it was primarily enacted, namely the destruction of the great combinations familiarly known as “trusts.”

The main reliance of the defendants in both the Standard Oil and the Tobacco cases was the decision in *United States vs. Knight* (156 U. S., 1) to the effect that the acquisition by a number of manufacturing plants in one State by a corporation of another State was not within the intent of the Sherman law, even though the purchaser thereby acquired upwards of 90 per cent of all the refineries of sugar

in the United States, because manufacture alone and not commerce, was involved. The Knight case had been distinguished in subsequent cases as not involving any question of interstate commerce. In the Standard Oil case the court dismissed it with scant consideration, saying—

“The view, however, which the argument takes of that case and the arguments based upon that view have been so repeatedly pressed upon this court in connection with the interpretation and enforcement of the Anti-Trust Act, and have been so necessarily and expressly decided to be unsound as to cause the contentions to be plainly foreclosed and to require no express notice.”

The court cited as illustrative of this point the cases of *United States v. Northern Securities Co.*, 193 U. S. 334; *Loewe v. Lawler*, 208 U. S. 274; *United States v. Swift & Co.*, 196 U. S. 375; *Montague v. Lowry*, 193 U. S. 38; *Shawnee Compress Co. v. Anderson*, 209 U. S. 423.

But the decision in the case of *West, Attorney General, v. Kansas Natural Gas Company*, rendered May 15, 1911, goes further in overthrowing the doctrine of the Knight case than any of those cited by the Chief Justice in the Standard Oil case, or than the obvious disregard of its authority in the latter case. In the Knight case, the facts presented in the evidence were taken by the Court as involving merely the acquisition by one corporation of manufactories wholly within the State, and it was held that such acquisition was not within the power of the Congress of the United States to regulate commerce among the States and with foreign countries.

“Doubtless,” said Chief Justice Fuller, “the power to control the manufacture of a given thing involves in a certain sense the control of its disposition, but this is a secondary and not a primary sense * * * Commerce succeeds to manufacture and is not a part of it.

* * * The regulation of commerce applies to the subject of commerce and not to matters of internal police. Contracts to buy, sell, or exchange goods to be transported among the several States, the transportation and its instrumentalities and articles bought, sold, or exchanged for the purpose of such transit among the states, or put in the way of transit, may be regulated, but this is because they form part of interstate trade or commerce. The fact that an article is manufactured for export to another State does not of itself make it an article of interstate commerce, and the intent of the manufacturer does not determine the time when the article or product passes from the control of the State and belongs to commerce.”

The cases of *Coe v. Errol* (116 U. S., 517) and *Kidd v. Pearson* (128 U. S. 1) were cited in support of the proposition that functions of manufacture and commerce were different, that to hold otherwise would be to invest Congress, “to the exclusion of States, with the “power to regulate, not only manufactures, but also agriculture, hor-

"ticulture, stock raising, domestic fisheries, mining—in short, every "branch of human industry." That contracts, combinations or conspiracies to control domestic enterprises in manufactures, agriculture, mining, production in all its forms, or to raise or lower prices or wages, might unquestionably tend to restrain external as well as domestic trade, the court conceded, but it said that such restraint would be an indirect result, however inevitable and whatever its extent, and such result would not necessarily determine the object of the contract, combination, or conspiracy. So it was held in *Kidd v. Pearson* that the refusal of a State to allow articles to be manufactured within her borders, even for export, did not directly affect external commerce and did not trench upon the Congressional control over interstate commerce.

In the case of *West, Attorney General, vs. Kansas Natural Gas Company*, the Supreme Court reviewed decisions of the U. S. Circuit Court in suits having for their common purpose an attack upon the constitutional validity of a statute of Oklahoma, framed for the purpose of prohibiting the transportation or transmission of natural gas from points within that State to points in other States. This prohibition was sought to be accomplished by various provisions in the statute under review. The statute was held to be prohibitive of interstate commerce in natural gas, and, consequently, a violation of the commerce clause of the Constitution of the United States. Mr. Justice McKenna, writing the opinion of the court, said that the act presented no embarrassing questions of interpretation—

"it was manifestly enacted in the confident belief that the State had the power to confine commerce in natural gas between points within the State * * * And the State having such power, it is contended, if its exercise affects interstate commerce it affects such commerce only incidentally, in other words, affects it only, as it is contended, by the exertion of lawful rights and only because it cannot acquire the means for its exercise."

The results of the contention, the court held, repel its acceptance.

"Gas, when reduced to possession, is a commodity; it belongs to the owner of the land, and when reduced to possession, is his individual property, subject to sale by him, and may be a subject of intrastate commerce and interstate commerce. The statute of Oklahoma recognizes it to be a subject of intrastate commerce, but seeks to prohibit it from being the subject of interstate commerce, and this is the purpose of its conservation. In other words, the purpose of its conservation is in a sense commercial—the business welfare of the State, as coal might be, or timber. Both of those products may be limited in amount, and the same consideration of the public welfare which would confine gas to the use of the inhabitants of the State would confine them to the inhabitants of the State. If the States have such power a singular situation might result. Pennsylvania might keep its coal, the Northwest its timber, the

mining States their minerals. And why may not the products of the field be brought within the principle? Thus enlarged, or without that enlargement, its influence on interstate commerce need not be pointed out. To what consequences does such power tend? If one State has it, all States have it; embargo may be retaliated by embargo, and commerce will be halted at State lines. And yet we have said that 'in matters of foreign and interstate commerce there are no State lines.' In such commerce, instead of the States, a new power appears and a new welfare, a welfare which transcends that of any State. But rather let us say it is constituted of the welfare of all of the States and that of each State is made the greater by a division of its resources, natural and created, with every other State, and those of every other State with it. This was the purpose, as it is the result, of the interstate commerce clause of the Constitution of the United States. If there is to be a turning backward it must be done by the authority of another instrumentality than a court. * * * At this late day it is not necessary to cite cases to show that the right to engage in interstate commerce is not the gift of a State, and that it cannot be regulated or restrained by a State, or that a State cannot exclude from its limits a corporation engaged in such commerce."

If, therefore, the State cannot control the transmission of natural gas produced within its borders to other States, because to concede that control would be in effect to empower it to cut off at its source all of the objects of interstate commerce, how can it retain the right to prohibit the manufacture within its limits of commodities intended to be shipped in interstate commerce? Commodities when so manufactured are precisely like natural gas reduced to the possession of the owner, that is, a commodity which belongs to him as his individual property, is subject to sale by him, and may the subject of interstate and intrastate commerce. It is true the statute did not deal with the production of the gas, and to that extent, possibly, it is not in conflict with *Kidd v. Pearson* and *Coe v. Errol*. Yet if the constitutional right of Congress to regulate interstate commerce attaches to the commodity the moment it is in existence in the hands of the owner, so that the State may not prohibit its shipment in interstate commerce, does it not apply as well from that moment to prevent the owner from himself, by combination or agreement, imposing an undue restraint upon its shipment in such commerce. What the State is prohibited from doing, the citizen may not do, and the Sherman Act attaches from the moment the commodity comes into existence to prevent any impediment being laid upon its possible passage into the ordinary and usual currents of commerce among the States.

Summing up the results of these late decisions, therefore, it will be seen that the area of uncertainty in the law has been greatly narrowed, and that its scope and effect have been pretty clearly defined; the school of literal interpretation has been repudiated, and

the application of a rule of reasonable construction declared. There will be always, of course, a field of uncertainty in so far as an investigation of facts—particularly when intent becomes a necessary consideration—is required. But this much may surely be said to be now beyond controversy:

That ordinary agreements of purchase and sale, of partnership, or of corporate organization, do not violate the first section of the Sherman act, even though incidentally and to a limited degree they may operate to restrain competition in interstate or foreign commerce between the parties to such agreements.

But any contract, combination or association the direct object and effect of which is to control prices, restrict output, divide territory, refrain from competition or exclude or prevent others from competing in any particular field of enterprise, imposes an undue restraint upon trade and commerce and is in violation of the first section of the act. This principle applies to all associations of competitors of the character usually known as pools; to agreements with so-called wholesale or retail agents whereby the manufacturer of an article, even though made according to some secret process or formula, seeks to control the price at which it may be sold by purchasers directly or indirectly from the manufacturer. It applies also to attempts to control competition between independent concerns by means of a stock holding trust, whether individual or corporation holder.

Size alone does not constitute monopoly. The attainment of a dominant position in a business acquired as the result of honest enterprise and normal methods of business development, is not a violation of the law. But unfair methods of trade, by destroying and excluding competitors by means of intercorporate stockholdings, or by means of agreements between actual or potential competitors, whereby the control of commerce among the States or with foreign countries in any particular line of industry is secured or threatened, expose those who are concerned in such efforts to the penalties prescribed in the second section of the act, because they are engaged in monopolizing or attempting to monopolize such commerce.

It is also now settled that no form of corporate organization, merger or consolidation, no species of transfer of title, whether by sale, conveyance or mortgage; and no lapse of time from the date of the original contract, conspiracy or combination, can bar a Federal court of equity from terminating an unlawful restraint, or compelling the disintegration of a monopolistic combination. The maxim *nullum tempus occurrit regi* is applicable to any continuing combination or conspiracy which the Anti-Trust Act of 1890 condemns.

Speaking of the conscious development of institutions in America, Professor Woodrow Wilson in his work on "The State," writes:

"It is one of the distinguished characteristics of the English race, whose political habit has been transmitted to

us through the sagacious generation by whom this government was erected, that they have never felt themselves bound by the logic of laws, but only by a practical understanding of them based upon slow precedent. For this race, the law under which they live is at any particular time **what it is then understood to be**, and this understanding of it is compounded of the circumstances of the time. Absolute theories of legal consequence they have never cared to follow out to their conclusions. Their laws have always been used as parts of the practical running machinery of their politics—parts to be fitted from time to time, by interpretation, to existing opinion and social condition."

If this law, designed to protect the people of this country from the evils of monopoly, and to preserve the liberty of the individual to trade freely shall now be clearly understood; if its true purpose shall be recognized and its beneficial consequences realized, the twenty years of slowly developed interpretation and widening precedent will not have been without great value. For the law will henceforth be used, to employ Dr. Wilson's language, as a part of the running machinery of our political system, adapted to the needs of our social condition.

MATTERS IN WHICH THE DISCRETION OF THE TRIAL COURT SHOULD BE FINAL

HON. A. B. ELDREDGE, of Marquette

Of the law, Blackstone said: "It is a rule, not a transient, sudden order from a superior to or concerning a particular person, but something permanent, uniform and universal."

A Court has been defined as "a tribunal empowered to hear and determine issues between parties upon pleadings, either oral or written, and upon evidence to be adduced under well defined and established rules according to settled principles," and all definitions agree that the purpose of a court is to administer justice.

Of "justice" it has been said that, "in a judicial sense, it is nothing more or less than exact conformity to some obligatory law, and all human actions are either just or unjust as they are in conformity to, or in opposition to, law."

But our law, our courts, our justice, are all of human workmanship, and confessedly are just so far defective as such work always must be. The justice which we seek is not administered at all times and under all circumstances by courts controlled by well established and defined rules, though generally it is administered according to well settled principles. Discretion,—a fixed and unvarying definition of which we may long seek and never find, plays a vast part in our judicial system. One moment's reflection as to existing discretionary powers must convince any lawyer that a trial judge may mould the result of many cases as his arbitrary will may dictate, and practically be able to prevent review or other redress.

Of this discretion, one who wrote judicially and without prejudice, said: "It is an indefinable, intangible something that bears sway in the conduct of much judicial management, and whilst we try to reduce everything else touching the law to certainty and fixedness, we claim a place for discretion whose dictates no man can forsee."

In Bacon's time, the discretion of a judge was said "to be the law of tyrants. It is always unknown; it is different in different men; it is casual and depends upon constitution, temperament and passion; in the best it is often caprice, in the worst it is every vice, folly and passion to which human nature is liable."

Ex parte Chase, 43 Ala., 303; Bouvier's Dictionary.

That we may be able somewhat to realize its importance in our judicial system, I have prepared a list of matters which are said by

the Supreme Court of this State to be in the discretion of trial judges. It does not pretend to be complete, and if it is not startlingly long, it certainly covers a great variety of subjects.

Mandamus is not a right, but is in the discretion of the court to grant or refuse upon discretion.

Durand v. Circuit Judge, 76 Mich., 624.

Parties are not entitled to specific performance of contract as of right; it is always in the court's discretion.

Rust v. Conrad, 47 Mich., 449.

Cox v. Raider, 138 Mich., 249.

The same is true of the granting of certiorari.

Young v. Kelsey, 46 Mich., 414.

It is true of the granting of an injunction.

Detroit Plank Rd. Co. v. Cir. Judge, 98 Mich., 141.

Mactavish v. Kent Cir. Judge, 122 Mich., 242.

The care and custody of children and the allowance for their support in divorce proceedings are matters in the discretion of the trial court.

Wilcox v. Wayne Cir. Judge, 83 Mich., 1.

So of the allowance of alimony.

Zeigenfuss v. Zeigenfuss, 21 Mich., 414.

Cooper v. Mayhew, 40 Mich., 528.

So of the appointment or removal of receivers.

Rankin v. Rothschild, 78 Mich., 10.

And of leave to sue or garnish a receiver.

Bank v. Bay Judge, 110 Mich., 633.

So of permission to file a bill of review.

Farmers' Bank v. Quick, 71 Mich., 534.

Knapp v. Perry, 117 Mich., 97.

So of vacating of default decrees.

Low v. Kalamazoo Cir. Judge, 61 Mich., 35.

And setting aside of default judgments.

Hurlburt v. Reed, 5 Mich., 30.

Alsbaugh v. Ionia Cir. Judge, 126 Mich., 67.

Re-opening foreclosure sales.

Nugent v. Nugent, 54 Mich., 557.

Vacating pro confesso orders.

Mills v. McLeod, 94 Mich., 627.

So of refusing or granting extra compensation to executors for extraordinary services.

Quinn v. Sullivan, 120 Mich., 365.

And of granting costs against an executor personally.

Webb v. Peck, 131 Mich., 579.

So of allowance of attorney's fees in condemnation proceedings.

Boyne City G. & A. Co. v. Anderson, 146 Mich., 328.

So of granting of an appeal from Justice Court after the expiration of the statutory time.

Braastad v. Mining Co., 54 Mich., 258.

Likewise of appeals under the Forcible Entry and Detainer Act.

Bearse v. Aldrich, 40 Mich., 529.

The allowing or refusing a change of venue is frequently discretionary.

Greeley v. Stilson, 27 Mich., 153.

So as to vacating the award of arbitrators.

City of Detroit v. Jackson, 1 Doug., 106.

As to matters of practice at the trial, it is in the discretion of the court to allow or refuse:

The introduction of further testimony after resting.

Corcoran v. Detroit, 95 Mich., 84.

After the testimony has been closed.

Railway v. Steinburg, 17 Mich., 99.

Minkley v. Township, 113 Mich., 313.

After argument to the jury has commenced.

Thomson v. Ellsworth, 39 Mich., 185.

After argument to the jury has been concluded.

Gray v. Wilcox, 56 Mich., 58.

The order of proof is discretionary.

Blickley v. Luce's Estate, 148 Mich., 233.

But see People v. Millard, 53 Mich., 63.

So is the limiting of the number of witnesses who may be called to testify to any particular fact.

Detroit Ry. v. Mills, 85 Mich., 634.

I find but one exception to this rule. It is reversible error to limit the number of witnesses on the question of the lameness of a horse, that being a material and vital issue in a case.

Barhyte v. Summers, 68 Mich., 341.

Allowing, or refusing to allow, leading questions, is discretionary.

Burnham v. Ins. Co., 120 Mich., 499.

So are the extent and limits of cross examination.

Brown v. Harris, 139 Mich., 372.

But see Gould v. Gregory, 126 Mich., 594.

So is the exclusion from the court room of witnesses.

McIntosh v. McIntosh, 79 Mich., 198.

The sending out of a jury the second time, and determining how long they shall stay out.

And all the other matters which relate to the calling and rejection of jurymen.

Allowing or refusing views or inspections is discretionary.

Richmond v. Atkinson, 58 Mich., 413.

So of granting or refusing of a new trial.

Van Rensselaer v. Whiting, 12 Mich., 449.

People v. Francis, 52 Mich., 364.

Detroit Tug & Wrecking Co. v. Cir. Judge, 75 Mich., 360.

The filing of additional pleas after issue joined, and even the amending of a plea so as to allow a defendant to put in an affidavit denying the execution of a note sued upon.

Polhemus v. Savings Bank, 27 Mich., 44.

The allowance of costs in many instances.

Also, the allowing of amendment of a notice of special defense.

Beecher v. Wayne Cir. Judge, 70 Mich., 363.

And amendments changing the form of pleadings.

Hoyt v. Wayne Cir. Judge, 117 Mich., 172.

Whether the court will order the filing of a bill of particulars is discretionary in many actions, both civil and criminal.

People v. McKinney, 10 Mich., 54.

Van Vranken v. Wayne Cir. Judge, 85 Mich., 140.

Gary v. Eaton Judge, 132 Mich., 105.

Restricting the address of counsel in time, limiting the scope of his remarks to the jury, and generally the controlling and keeping of counsel within due bounds, are all within the discretion of the trial judge.

Randall v. Evening News Assn., 101 Mich., 561.

Rutter v. Collins, 103 Mich., 143.

People v. German, 110 Mich., 244.

It is even discretionary, after the close of the evidence to permit a party to withdraw an admission, and to then disprove the admitted fact.

Sword v. Keith, 31 Mich., 247. ..

Obviously, "discretion" in these cases must be used in several

different senses. In many of the named instances, there is an ample power of review in the appellate court, and the action of the trial judge is there examined and controlled in matters said to be in his discretion with the same freedom as though he were exercising any other judicial function.

The law with reference to specific performance is as well settled as on any other subject, and it is only in a technical and limited way that discretion may be said to control the decisions of courts. The same judgment is required as in the exercise of any other judicial function. It is inconceivable that, on identical facts, a contrast should in one case be enforced and in another not.

The same principles that apply to specific performance apply to permanent injunction.

On this subject, Vice-Chancellor Pitney says: "I have never 'been able to see how the question of the right of the complainant 'to an injunction on final hearing could ever be a matter properly 'resting in the 'discretion' of the chancellor, as I understand the 'force of that word in that connection. If by 'discretion' is here 'meant that the judge must be discreet, and must act with discretion, and discriminate, and take into consideration and give weight 'to each circumstance in the case, in accordance with its actual value 'in a court of equity, then I say that that is just what he must do 'in every case that comes under his discretion—no more and no less. 'But if the word 'discretion' in this connection is used in its secondary sense, and by it is meant that the chancellor has the liberty 'and power of acting, in finally settling property rights, at his discretion, without the restraint of the legal and equitable rules governing those rights, then I deny such power."

Hennessy v. Carmony, 50 N. J. Eq., 616.

In some instances the discretion spoken of in the cases is a final function, "in others it is a judgment which is reviewable on appeal," and in other cases, "a sound judgment governed by rule and precedent is meant."

Webster defines "discretion" as "freedom to act according to 'one's own judgment; unrestrained exercise of will." But judges and text writers have not been at all agreed that this is a proper definition of "judicial discretion."

Bishop, in his work on "Marriage and Divorce," says: "This 'expression does not imply a power in each individual judge to do 'what he likes; but perhaps it may be defined to denote a sort of 'individual liberty, a sort of liberty in the collective judges, and an 'adherence to legal principles, blended in such a way as shall constitute an established course of justice, bending to the circumstances 'of the cases, instead of requiring the cases to bend to it." (Sec. 830.)

But Bishop's definition has been criticised as "both illogical and unsatisfactory. * * * * It is illogical to speak of a liberty that is adherent to anything, liberty is a want of adherence; and any will or judgment which must conform to, which adheres to, or is governed by legal principles or anything else, is not unrestrained."

Article by C. M. Napton, 2d Cent. Law Journal, 504.

Again, Lord Coke defines "discretion" as "science or understanding to discern between falsity and truth, between wrong and right, between shadows and substance, between equitable and colorable glosses and pretenses, and not to do according to their wills and private affections."

Rooke's Case, 5 Coke, 100 B.

Lord Mansfield says (*Rex v. Wilkes*, 4 Burr, 529): "Discretion, when applied to a court of justice, means sound discretion guided by law; it must be governed by rule, not by humor; it must not be arbitrary, vague and fanciful, but legal and regular."

Miner, in his "Institutes," speaking of the enforcement of contracts, says: "It would be a great mistake to suppose that the discretion intended has in it aught of arbitrary caprice; it is a regulated and judicial discretion governed by established rules of equity."

One court has said, speaking of the discretion of a judge to set aside a sale: "True, it is a matter of discretion; but then the discretion is not wilful or arbitrary but legal, and though its exercise be not purely a matter of law, yet it involves a matter of law or legal inference."

Loviner v. Pearce, 70 N. C., 167.

In the Supreme Court of the United States, it is said to be "a discretion to be exercised in discerning the course prescribed by law."

Osborn v. U. S. Bank, 9 Wheat, 738.

While our own court says, "a legal discretion is one that is regulated by well known and established principles of law."

Tug Co. v. Judge, 75 Mich., 360.

Yet in *Judges v. People*, 18 Wendell, 94, Senator Tracy, delivering the opinion, said that discretion "means, when applied to public functionaries, a power or right conferred upon them by law of acting officially in certain circumstances according to the dictates of their own judgment and conscience, uncontrolled by the judgment and conscience of others." He proceeds: "But what is to be understood by a discretion that is governed by fixed legal principles is, I must be allowed to say, something that has not been satisfactorily explained, and what is not easy for me to comprehend. Poetry may be indulged the license of saying,

"We have a power in ourselves to do it, but it is
" A power which we have no power to do."

"But the same idea, when attempted to be gravely enforced as a
"basis of a judicial decision, seems too paradoxical to admit of our
"assent to it. As a matter of faith, we can assent to the theological
"dogma of an overruled free agency, but in a matter of free reasoning
"we are justified in asking for pretty strong evidence to convince us
"that a judicial discretion can exist independently of the power or
"right of exercising it."

Another judge says: "The discretion spoken of is * * * a
"legal discretion, nor arbitrary, and yet it is not governed by fixed
"rules, for then there were no discretion. * * * Whenever a clear
"and well defined rule has been adopted, not depending upon circum-
"stances, the court has parted with its discretion as a rule of judg-
"ment."

Platt v. Munroe, 34 Barb., 292.

Another court says: "It was for the county court to dismiss the
"petition or to grant it on such terms as the discretion of the court
"might dictate. It is clear that the discretionary power of one court
"cannot be exercised by another or reviewed by proceedings in
"error."

Chase v. Davis, 7 Vt., 476.

Again, "it is utterly unsafe, in matters of discretionary practice,
"to interpose on writ of error by correcting the decisions of inferior
"courts. The very reason why we cannot do it with safety is the one
"adopted by the law itself, when it declares that the inferior court
"shall act according to its discretion. It cannot lay down any pre-
"cise rule to govern certain cases according to their circumstances,
"and it therefore leaves the discretion of the court to form the law of
"each case as it arises. To say that a magistrate may act discre-
"tionally is but another mode of saying that he is without control."

Jenkins v. Brown, 21 Wend., 454.

From all this controversy we may at least conclude that it would
tend to clearness and exactness if the word "discretion" was, in the
cases and text works, used only with reference to those matters
where the action of the trial judge is final, and never with reference
to those matters which are the proper subject of appellate jurisdiction
and control.

But however much other courts may have disagreed as to whether
the judicial discretion confined to *nisi prius* courts should be an un-
restrained exercise of will or freedom to act according to one's own
judgment, or a discretion controlled by sound judgment, the courts
of Michigan, theoretically at least, are committed to the latter doc-
trine.

In connection with almost every subject named in our list, the
Supreme Court has either reversed cases because of, or intimated

that they would reverse them if they found, an abuse of discretion. Nevertheless, there is a well defined and very proper disinclination on the part of that court to interfere with trial judges.

On the general subject, in matters of practice, our court has said:

"The rules devised for judicial investigations are undoubtedly aimed to promote the ends of justice, but they are necessarily subject to those infirmities which beset all human regulations. They cannot be so nicely contrived or so multiplied as to meet all necessities, or to operate always according to the exact purpose of their institution. A perfect system would supply a definite and unmistakable rule in advance, applicable to every contingency, and would leave nothing to discretionary action. But every day's experience teaches that such degree of perfection is unattainable. We know that the litigation carried on in courts involves a class of questions not amenable to any unbending pre-ordained rule, and that many, if not most of these questions, could not be specifically or definitely provided for before hand by absolute regulations without making our system so cumbrous and complicated as to be incapable of being carried out. These matters must, therefore, be settled as they arise, by the tribunal in which they occur, according to the dictates of sound judicial discretion. The law, upon grounds of public policy and general utility, commonly allows a re-examination of such matters in some form and at some stage in the same tribunal, but on the same grounds, generally disallows a revision elsewhere. The welfare of society requires, of course, that there should be given reasonable opportunity for the hearing and decision of questions. But it likewise requires that limits should be set to litigation, and of this the law has taken clear notice in one of its settled maxims, and in many other ways.

"It has also taken notice that there are questions which cannot be made the subject of review in an appellate court without derogating from the independence and authority due to the tribunal where they arise; and others still, which from their nature cannot be intelligently and safely re-examined except in the court where they originate.

"But in addition to these, there has always been a mass of practice questions which the law, upon grounds of general utility and practical necessity, has considered as not properly appealable to another tribunal. It has been wisely deemed that permission to litigants to carry cases up for review upon each and every of the points ruled in matters of practice and routine, would well nigh make litigation endless, and instead of favoring justice would promote injustice."

Polhemus v. Savings Bank, ante.

In Mann v. Taylor, 56 Mich., 595, in declining to review the dis-

cretionary action of the Circuit Judge in refusing to order a further return in certiorari, it was said: "This court would be utterly unable "to perform its functions and clear its dockets if matters of practice "of the Circuit were subject to review here." But added this very significant expression: "We say nothing now of a case of gross and "palpable abuse of discretion."

All this is reasonable doctrine. We would all concede that he who plants an appeal to the Supreme Court upon the ground of an abuse of discretion by the trial judge, should have the burden and be bound to establish very clearly not only the abuse, but that it had resulted in harm. I very confidently assert that whenever we assume that burden successfully, and convince the court that from an abuse of discretion there has happened either a miscarriage of justice, or that a party has been deprived of a fair trial, there will be no hesitancy in granting relief upon any theory, either of the infallibility of the trial judge or the finality of his action.

Blickley v. Luce Estate, ante.

The difficulty manifestly is to convince the court that there has been a miscarriage of justice, and that difficulty is a very real and very stubborn thing. If the trial judge were a criminal charged with a capital offense, the appellate court could not be more anxious to see that his every legal right was preserved than apparently it is to sustain him in the exercise of his legitimate discretion. When a judge remarked to a very eminent and very reputable counsel, "Mr. K., your memory is good for nothing, or else you are getting in-"sane," the appellate court took judicial notice of the fact that "judicial calmness" had been disturbed "by some undisclosed circumstance," assumed that an early apology was made to counsel, and would have been content to leave the matter "to the judge's own sense of propriety," except that the "want of courtesy" was coupled with several unnecessary, improper and unjudicial aspersions upon the character and motives of the client which, combined with other errors, compelled a reversal.

Wheeler v. Wallace, ante.

McIntosh v. McIntosh, ante, was not reversed only because the trial judge, without provocation, said that counsel "would not be half "decent;" nor *Williams v. West Bay City,* only because the court said to counsel, "Your brain seems to be out of order."

There is no reason in our experience, nor in the history of the human race, which ought to lead us to believe that any man will at all times be discreet, at all times control his temper and act upon judgment and not upon passion; and there is no guarantee in the present state of the medical art that at any moment the liver of a trial judge may not get out of order, and his discretion be thereby dethroned.

When we consider that there is abundant authority for the belief that from a lack of discretion in our first parent, he exchanged a life devoted to the pursuit of pleasure in the Garden of Eden for a life of unnecessary toil, and that his posterity still bear the burden of his mad choice so that most of his progeny from that day to this find daily bread the limit of achievement, we should hesitate to rely unnecessarily upon the discretion of any of his descendants.

If any gentleman present prefers to trace his ancestry to a primordial protoplasm, and claims that his grandfather five of six hundred generations removed was an anthropoid ape, let him have no quarrel with this paper; its purpose is neither to prove the verity of the Scriptures nor the origin of species, nor to quarrel with or about any man's grandfather.

Seriously, I have devoted a great deal of care and study to the question which was assigned to me for discussion by the officers of this Association, viz: "Matters in which the discretion of the trial judge should be final." I have examined hundreds of cases, and I find that in our State courts while there are some matters, chiefly of procedure and practice, in which theoretically the decision of the trial judge is final, that practically there is no such finality, unless his action actually brings it about. For instance, if he grants a continuance, ordinarily his very decision ends the controversy; on the other hand, if he refuses a continuance, his decision may be subject to review.

I find no case in Michigan actually overruling the discretion of a trial judge in refusing a continuance, but in the very nature of things there must be a remedy therein against an abuse of discretion, if a fair trial or a failure of justice results.

It has been so held in many States.

Besides all that, appellate courts, convinced of an unfair trial or a failure of justice, are not apt to let technical questions stand in their way. Be it said with all due respect to that great court, the Supreme Court of the United States has, upon occasion, not been above "beating the devil around the bush." Witness the case of the United States v. Rio Grande Dam & Irrigation Co., 184 U. S., 429. There the United States applied for a continuance, which was denied; the case being heard, there was a decree dismissing the bill. Before the entry of the decree, the United States applied for a re-hearing, on the ground of newly discovered evidence, and the re-hearing was denied. The Supreme Court of the United States, upon appeal, was of the opinion that the trial court might well have granted both motions, but felt that as both were addressed to the discretion of the trial judge, it could not reverse the decree merely on the ground that the trial court erred in the denial of the motion. The court was, however, relieved to find there was other considerations which could be properly made the basis of a reversal. These other considerations

constituted a most beautiful syllogism. The major premise is, "this whole case in equity is before us for such decree as is proper, and if it appears that injustice may be done by proceeding to a final decree upon this record, we may remand the case for further preparation." The minor premise is, "The record does not contain on the part of 'the government' evidence of a material character, and the absence of such evidence is due to the action of the trial court in not giving sufficient time to the government to prepare its case, and not to any negligence of the government in its preparation. The conclusion is a reversal. Based on the refusal to continue? Not at all. It is based entirely on the action of the trial court in not giving the government time to prepare its case.

I have also found evidence that our State Supreme Court will not let technicalities stand in the way of deserved reversal. It by no means follows that there is an unreasonable interference with the fair discretionary rights of trial judges. On the contrary, there is great unwillingness to interfere with their action. The benefit of every doubt is always given them.

I have looked in vain for any matter in which it seemed that our practice could be improved by giving them more or greater powers, and in vain also for a discretionary matter in which their power could be wisely made more final than it is.

Even if there were matters in our practice requiring reform, I should hesitate to recommend any action looking to an increase in the arbitrary powers of trial judges.

It would, I assume, be generally admitted by the Bar that our method of selecting judges is not the best; that they are insufficiently compensated, and that we are indeed fortunate that the average in character and acquirements of our judiciary is as high as it is. I am not prepared to say that it would be improved under any other method.

At the same time, the powers trial judges already possess render it possible for a bad man, or a prejudiced man, to unduly control results in many cases. To increase their power would but increase the danger of its misuses. There are few men who can safely be trusted with arbitrary power.

We have come upon troublous times. I hope I am no pessimist, but I view with concern the change in the methods of selecting our judges.

If, under the primary system, candidates for judicial positions are to step down into the arena of politics, declare their personal qualifications to voters, criticise the action of the courts, as is becoming more than ordinarily fashionable, promise reforms and indicate the nature of the decisions which will fulfill the promises, there

may come a class of judges whose decisions will substitute for what we now know as discretion the arbitrary will of the demagogue.

I think the Bar of this State may better devote itself to strenuous efforts to retain, or obtain, qualified trial judges, rather than to action looking to the increase of the judges' power.

TAXABLE COSTS.

HON. T. A. E. WEADOCK, of Detroit.

Mr. President and Gentlemen of the Michigan Bar Association:

When your President honored me by inviting me to read a paper at this meeting I accepted promptly and its preparation seemed easy because performance was so far in the future, and you know how easy it is to resolve at New Year's day and how hard it is to perform during the year.

It is somewhat discouraging at the outset to remember how slowly any reform of legal procedure makes its way, notwithstanding the merit of the idea advanced. A notable instance of this is the very able and useful paper on the circuit judicial system of Michigan, read at the last meeting of this Association. Since that time a legislature has been elected, met, neglected to remedy the system, adjourned and followed its predecessors to the limbo—where such legislatures go, but nothing was done. In fact the laws enacted by it, which we should have within ten days, are not published yet.

Complaints of the law's delay are very ancient, and although the iteration and reiteration of them has grown tiresome, the only way in which reforms can be brought about is to get a sufficient number of people thinking about the same thing in the right way, at the same time.

Your attention for a short time is invited to the subject of taxable costs, and the reform I advocate is the rule of the Civil Law: "*Victus victori in expensis condemnatus est.*" The vanquished is to be condemned in costs to the conqueror.

It is not intended to deal with the large class of cases where costs are to be paid out of the fund as in bills of inter-pleader, nor where the party or his attorney creates or recovers the fund, for the benefit of a class, out of which suitable costs are paid, nor to proceedings by or against the state or nation when other considerations prevail.

These may be briefly referred to, such as cases where an attorney for a creditor brings a suit in behalf of himself and other creditors and is allowed compensation out of the fund realized for creditors generally, if his services prove beneficial to them, and it was held in a Tennessee case, *Campbell v. Provident Savings and Loan Society*,—That the fund reached by a general creditors' bill if all absorbed by prior claims not secured by mortgage or other fixed lien so that the one who instigated it will receive nothing, will not prevent the allowance of a reasonable fee for his solicitor out of the fund, since the work was done for the benefit of all the creditors; and it may be stated as a general proposition that the fees of attorneys for creditors

who bring suit in behalf of themselves and other creditors will always be allowed out of the fund going to creditors in the same class as the plaintiff if the suit is beneficial to them, on the ground that otherwise the one assuming the risk and conferring the benefit would be in a worse position than those who do nothing towards realizing the funds.

No costs were allowed at the common law. They were first given by the Statute of Gloucester in the time of Edward I. and in this country it may be stated generally that in ordinary actions at law, costs are regulated by statute.

The limits of this paper will allow only one question to be considered and that is, what should be the taxable costs between party and party, in civil actions excluding equity generally, and admiralty, which generally follows the rule of the civil law, and criminal law, where in cases of innocent men acquitted on trial or discharged by the court, or subsequently found to be innocent, the injustice is even more rank than in civil actions.

We are all familiar with the delay and necessary loss under the present law and practice of enforcing rights or defending them in courts. Terms of court, time allowed for filing papers, medieval methods of subpoenaing witnesses, delay and uncertainty in the time of trial, paying all witnesses the same compensation, etc., leads to the avoidance of courts, and to other methods of avoiding loss in business transactions, such as adding a percentage to wholesalers' and retailers' prices to cover prospective losses, and making the honest man who pays, a guarantor who pays in advance the share of the dishonest, worthless and unfortunate.

In such cases the creditor is indifferent because he has really lost nothing, the irresponsible debtor is indifferent for several reasons, and those responsible for legislation, do nothing to remedy the evil. Is this because the laws are made by and for debtors? Why should a man be compelled to pay out of his own means for the necessary resort to the courts to recover what belongs to him? If a debtor owes him a hundred dollars, why should he pay \$10 to a lawyer to try his case, say \$15 or possibly \$25 to prepare for trial and be allowed to recover nothing beyond \$10 as costs? Why should he submit to injustice and wrong because justice costs so much? The answer is that justice should be made speedier and cheaper, and the man who disputes a debt, or withholds what belongs to another, or commits an injury either carelessly or intentionally, must completely indemnify the other party, under the supervisory control of the court.

If it be said that statutes have been passed in Michigan along this line, which have been held unconstitutional, such as the Law of 1885, Act 234, p. 354, when in amending the railroad law the legislature undertook to compel railroad companies to pay an attorney fee of \$25 "before any court of competent jurisdiction" in case any damage was

done to cattle, on account of improper construction of cattle guards, etc., the answer is, this was held unconstitutional in the case of *Wilder v. Chicago and West Michigan Railway Co.*, 70 Mich. 382, for the reason that "the legislature cannot make unjust distinctions between classes of suitors without violating the spirit of the constitution. Corporations have equal rights with natural persons as far as their privileges in the courts are concerned." Judge Morse proceeds in the opinion to show the injustice of punishing one party for defending itself in the court, without subjecting the other parties to the same law, and he speaks of penalties in the disguise of costs. This reasoning would not obtain if the law had allowed an attorney fee to the railway company in case of a successful defence.

This case has been followed many times, and was distinguished in the case of *Lagoo v. Seaman*, 136 Mich. 418, which was a proceeding under the log lien act, where the supreme court held, "This reasoning has no application to this case. To allow suitors in proceedings under a special statute to recover their full costs is by no means an unjust discrimination because suitors under other cases are denied that." Citing *Dibell v. Brinkerhoff*, 22 Mich. 371.

In the *Wilder* case Judge Morse cited *Calder v. Bull*, 3 Dall. 386. That, however, was a case which went up on error from the state of Connecticut and involved the questions of granting a new trial by act of the legislature, *ex post facto* law, and taking private property for public use, and in my judgment is not close enough to the question in hand to be considered in point.

The other case cited by our supreme court, *Durkee v. Janesville*, 28 Wis. 464, is another authority for the proposition that an act making discrimination between the rights of different suitors in the court of justice is void under the constitution of that state,—Sec. 9, Art. 1, which provides:—"Every person is entitled to a certain remedy under the law for all injuries he may receive in his person, property or character and ought to obtain justice freely and without being obliged to purchase it, completely and without denial, etc., etc."

Under our statute we can tax costs for a witness only from the state line if he comes from beyond the jurisdiction. Lawyers know how essential it is in most cases, to have the witness in court. Why should a party be compelled to bring the witness a long distance at his own expense, to defend or maintain his action, when he knows that the expense he pays beyond the jurisdiction is an absolute loss. The party should have the right under the law to prosecute or defend his action, without loss, if he has the right on his side. In a recent case in Canada involving a mining fraud in the Klondike, witnesses were brought from that place to Windsor, and the expense was taxed against the losing party.

The reform here advocated is not an untried remedy. England and Canada both use it and have done so for years, but the limits of

this paper will allow only a brief reference to their system.

In England costs in its proper and restricted meaning is such sum or money as the court or judge orders an unsuccessful litigant to pay to his opponent to compensate the latter for the expense and inconvenience to which he has been put by the litigation. The sum so awarded seldom fully compensates the successful party, as he may incur more expenses than are really necessary. The court may allow a lump sum without taxation, but in all ordinary cases he directs that costs shall be taxed, and the amount allowed on taxation is called taxed costs. The difference between the taxed costs and the amount which the successful party pays to his attorney or solicitor is known as extra costs, and this the successful party must pay out of his own pocket.

Sometimes, however, the court or judge orders that the costs payable by one party to another should be taxed as between solicitor and client, which is a more liberal scale.

Costs in chancery, as with us, are in the discretion of the court, but the discretion is exercised. Various statutes aside from the rules and orders of the court regulate this general question of costs.

In England, party v. party costs are given by way of indemnity. *Gundy v. Sainsbury*, 1910, 1 K. B. 33.

In Canada the Supreme Court may fix fees and costs to be taxed and allowed to and received and taken by, and the rights and duties of the officers of the court, according to the statute. Chapt. 139, Sec. 109 c., R. S. of C. 1906.

Costs of a client in an action are the sums which he has paid or which he owes, to his solicitor or to his counsel or to witnesses or to others for services rendered therein.

Panton v. Winnipeg, 41 C. S. R. 366.

In England there are two general scales of costs, the higher and the lower. The lower scale involves amounts from two to ten pounds, where no costs are allowed except court and witness fees unless ordered by the judge. The higher scale is subdivided into three schedules depending on the amount claimed or value of the property in controversy. These schedules are

"A" for amounts from ten pounds to twenty pounds,
"B" from twenty pounds to fifty pounds, and
"C" over fifty pounds.

Unless otherwise ordered by the judge, the costs are taxed according to one or another of these schedules. If, however, the action involves any novel or difficult proposition of law, or one affecting a large class of people, the judge may so certify in accordance with the statute, and order that costs be taxed under a higher scale than the amount involved warrants. Application to tax costs must be made at

once unless delayed for sufficient reason, and the order and certificate of the judge must be entered on the minute book for the day when it is granted.

The judge has discretion to disallow costs in case of unnecessary matter and the party against whom such costs are disallowed may be required to pay the other party's costs occasioned thereby.

Various statutes cover the amounts taxable for different items, but the limitations of this paper prevent any enumeration of them; suffice it to say that a large discretion is reposed in the court in deciding which of the rules of costs apply, and any or all of the various fees may be allowed if the costs are reasonably and properly incurred in prosecuting or defending the action.

Travelling expenses to all witnesses and plaintiff that are reasonably and actually paid by them are allowed. If a case is not reached or is adjourned and they come to court more than once, travelling expenses, etc., are allowed for each time in attendance. If they are in attendance more than one day, daily attendance for each day is allowed. The expenses and first day's attendance should be paid on service of subpoena.

The plaintiff is allowed witness fees only for travel, unless he is a menial or domestic, laborer, servant in husbandry, artificer, handicraftsman, or person engaged in manual labour, or unless the judge in a particular case order it. If a witness is attending for more than one cause, then the costs are apportioned.

The costs of witnesses, whether examined or not, if they attend, may be taxed in discretion of the judge, though they were not summoned. The judge must consider each case and cannot make a general order that the costs of witnesses not examined be disallowed, unless otherwise ordered.

Costs are taxed in three ways, 1st, as between party and party; 2nd, as between solicitor and client, and third, "as costs, charges and expenses."

As between party and party costs are taxed by the registrar or clerk of court where they are incurred, and must be sanctioned by the scale then in force.

As between solicitor and client, the solicitor can recover only as per the scale in force, except where the client agrees in writing to pay more. Such costs are taxed by the registrar on application of one of the parties. The discretion of the registrar under the scale must be carefully and discriminatingly used, and strictly within the instructions of the scale and rules.

Costs must appear to the registrar to be necessary, right and proper and not incurred because the mere desire of the successful party or through over caution, negligence or mistake.

The registrar must consider other fees and allowances to solicitor or counsel, if any,—the work for which the allowance applies, the nature and importance of the action or matter, amount involved, interest or parties, fund or person to bear the costs, general conduct and cost of proceedings, and all other circumstances.

For instance, in administration actions if estate is insolvent registrar should take this into account and should disallow certain items which would be all right were the estate solvent. A registrar cannot substitute a chargeable item which is omitted from the bill of costs, in place of one not chargeable, which is inserted in the bill but is disallowed.

Set-off of costs may be made by the registrar. He may tax the costs the first party is liable to pay, and may adjust the same by way of deduction or set-off, or he may delay payment of costs such party is entitled to receive until he pays the costs he is liable for, or he may allow or certify the costs to be paid and direct payment.

Costs are to be taxed on the day of the hearing or trial if practicable, otherwise one day's notice with copy of bill of costs must be given by taxing party to the other party or solicitor, if registrar so directs.

Application to tax is made in writing to registrar, stating on whose behalf, and registrar fixes a time and place and gives at least three clear days' notice.

Taxation is the process by which a solicitor's bill of costs is submitted for revision to an official of the court, who goes through the bill, item by item, and allows or disallows, or moderates every charge contained in the bill.

It may be between parties or between a party and his solicitor.

Costs taxed between solicitor and client when under an order of course, which is the common case, the costs depend on the result of the taxation, and if one-sixth is taken off the bill, the solicitor has to pay for the taxation of the costs. But at taxation between litigants, the costs of the taxation are in all ordinary cases borne by the party taking the taxation.

Costs between parties may be taxed as between solicitor and client as I have suggested before.

The judge may order costs to be charged in one of three different ways,—

1. As between party and party, which is the usual order, unless otherwise specified and one must be careful to have it properly specified. The general principle of such a taxation is that the successful party shall receive only such costs as were necessary to enable him to conduct the litigation. Charges incurred merely for conducting it more conveniently are deemed "luxuries" and must be paid by the party incurring them, for instance, employing a third

counsel, special retainer, or for drawings or exhibits attached to the margin of briefs, will not be allowed except under special circumstances.

2. As between solicitor and client,—much more liberal allowance being made under this method of taxation, and the party in whose favor costs are awarded can receive all such costs as his solicitor would reasonably incur in the conduct of the client's case. The order does not mean that in every case the solicitor gets all the costs that can be allowed, but under the discretion of the taxing master any or all of them may be allowed if incurred. Sometimes the words "and consequent thereon" or "and relating thereto," or both sets of words are added after the words, "as between solicitor and client."

This order seldom is made between hostile litigants. It was formerly doubted if a court had power to make such an order where there was no fund or estate or fiduciary relation between the parties. It has been latterly held that the court has power "to order payment of the whole costs of the action as between solicitor and client though the power is rarely exercised."

However, costs for particular proceedings in an action, as costs occasioned by introduction of scandalous matter, are not infrequently so taxed, "to mark the court's disapproval of such practices."

"In all proceedings for administration, or for the determination of some question of construction arising on a deed or will, (now usually disposed of on an original summons), costs as between solicitor and client are generally allowed out of the estate to the following persons (1) trustees, executors, and administrators; (2) a plaintiff in a creditor's action when the estate is insolvent; (3) the plaintiff in a legatee's action when the estate proves insufficient to pay the legacies in full. The costs of such proceedings are often allowed to all parties as between solicitor and client out of the estate." If the fund is insufficient to pay all costs, those of the trustee or administrator have priority.

3. "Costs, charges and expenses." In addition to costs as between solicitor and client; trustees, executors and administrators are usually allowed all other costs, charges and expenses, properly incurred by them in the execution of the trust or administration of the estate. For gross misconduct the court may deprive the trustee of his costs and expenses, but it is rarely done. The court may even go farther and order him to pay costs, but this is very rarely done. A mortgagee stands in the same position as a trustee as far as costs, charges and expenses are concerned.

Separate issues require that the term "event of the action" be considered distributively, and the party can recover costs accordingly. When separate issues are tried, the party succeeding in one or more of them is usually entitled to his costs on those issues in which he succeeds, and is liable for those in which he fails. The

circumstances of the case and the nature of the costs sometimes vary the application of this general rule, however, and the matter is covered by an intricate system of court rules.

Payments Into Court.

If the defendant pays into court and plaintiff accepts, he must give defendant notice to that effect, and then proceed to tax costs, unless the court or judge otherwise order, and if not paid, he may sign judgment therefor. But the plaintiff will lose his costs if the action was malicious or useless.

If the plaintiff refuses to accept payment and recovers more than the amount tendered, he can recover his full costs, but if he recovers no more than the amount tendered, he can recover only his costs to the time of the tender, and the defendant has his costs occasioned after the tender.

Where a plaintiff declared for negligence and the defendant denied the negligence, but paid 80 pounds into court, which plaintiff refused, and then recovered only 35 pounds, the court ruled and was sustained that plaintiff should have his costs up to the time of the payment, and the defendant have his costs after that time, and that the plaintiff should have his costs on the issue of negligence. This case is a very excellent illustration of the remarkable flexibility of the English system of taxation of costs.

Where several different causes of action are joined in one writ, plaintiff succeeding in one and failing in another, each party recovers costs on the causes on which he succeeds and the general costs are apportioned between them.

Taxing Officers and Their Powers.

All taxations in the chancery and King's Bench divisions are now dealt with at the Supreme Court Taxing Office, Royal Courts of Justice. The effect of the later statutes on the matter has been to establish one taxing department of the Central Office for both divisions, and make the Chancery Taxing-Masters and the Masters of the Supreme Court officers of that department with power to discharge the duties formerly performed in the two divisions respectively by the Chancery Taxing Masters and the Masters of the Supreme Court. When final judgment is entered in a District Registry the costs are taxed in such Registry unless the court otherwise orders.

Throughout the entire system of the British courts is seen the close supervision of the court over the matter of costs to prevent injustice or inequities in the taxation.

A sufficient number of Masters, at least three, attend each day at Central Office, except in vacation time, when one attends every day.

The taxing masters are selected according to a rota fixed by themselves. Subject to any order of the Lord Chancellor, to the contrary, the taxation business of the Central Office is distributed by the Taxing Masters as they deem expedient; but any matter which has been up for taxation before is referred to the Master who dealt with it before.

All taxing officers are respectively assistants to each other in the discharge of their duties, and any one may tax or assist in the taxation of any bill of costs that has been referred to any other officer. In such case it must be so certified.

Any taxing officer may administer oaths, and he has the same powers and duties relative to taxation of costs as any Master or other officer of any of the courts whose jurisdiction was transferred by the Judicature Acts to the High Court or Court of Appeals, including examination of witnesses, directing production of documents, making separate certificates of allocators, requiring parties to be represented by a separate solicitor, and directing all necessary proceedings and taking all necessary accountings. He may also direct what parties are to attend on the taxation of costs to be borne by a fund or estate, and may disallow the costs of any party whose attendance he considers unnecessary, and he has power to deal with any case of neglect or delay in the proceedings before him, and to allow any such costs as he thinks reasonable, and assess the same at a gross sum in certain cases where there has been delay or where the litigation has been extravagantly or improperly conducted.

On taxation between solicitor and his own client, the taxing officers may disallow any costs if such costs were occasioned by the negligence or ignorance of the solicitor; but if the negligence goes to the loss of the whole action, he ought not to disallow them, but should leave the client to sue the solicitor for negligence.

Where an account consists of any bill of costs the Court may direct the taxing officer to assist in settling such costs not being the ordinary costs of passing the accounts of a receiver, and he will then tax the costs in the same way as under an order and return the bill with his opinion thereon to the court.

Review.

Any party dissatisfied may at any time before the certificate or allocatur is signed, deliver to the other party and carry in before the registrar on taxation an objection in writing to such allowance or disallowance, stating the grounds and reason and may apply to the registrar to review the taxation, and the registrar may review if he sees fit, and may if requested by either party state in his certificate or allocatur the grounds and reasons for his decision thereon, and any special fact or circumstances relating thereto.

Either party dissatisfied with the decision of the registrar on review may apply to the judge on notice in writing according to the rules in force regarding interlocutory applications. Such application is heard and determined on the evidence as given before the registrar, no extra evidence being allowed, unless the judge otherwise orders. *Mandamus* does not lie to compel a judge to review the taxation, but an appeal will lie from such refusal.

I have referred to the English system because the general idea of costs as indemnity has been there worked out on just lines and shown to be practical.

Much of the litigation of today especially in the state courts are cases of personal injuries, and many of these cases are brought that lack merit and never should be commenced at all. On the other hand many of such cases are meritorious.

Let me give you one instance, *McQuisten v. Detroit Citizens Street Railway*, and I will mention this case, although it was one in which I was personally interested for the reason that I know more about it.

A man named Trudell was killed by the negligence of the Detroit Citizen's Street Railway Company and an action was brought and the administrator recovered thirty-five hundred dollars. The case was tried before Judge Carpenter while on the Circuit bench. The judge was in doubt as to whether the case should go to the jury, but permitted that and then on a motion which he allowed *non obstante veredicto*, he entered judgment for the defendant. The plaintiff settled a bill of exceptions, taking up the whole case in which the defendant did not join. In the meantime, and before the case was heard, in the Supreme Court, Judge Carpenter was elected to the Supreme bench.

The Supreme Court reversed the judgment of the Circuit Court, and entered judgment in favor of the plaintiff for the amount of the verdict and accrued interest.

Defendant then made a motion in the Supreme Court to vacate that judgment and have the judgment entered in the Circuit Court, in order that it could review the rulings of the circuit judge against it on the trial, which it claimed were erroneous. It then settled a bill of exceptions taking up the whole record and the same record which had already been before the Supreme Court; and the Supreme Court reversed the other side of the case.

While the litigation was pending, after the verdict and before the decision of the Supreme Court, the Detroit Citizens Street Railway went out of business and was succeeded by the Detroit Street Railway and later by the Detroit United Railway, each in turn receiving the property of the Detroit Citizens Street Railway.

Supplemental proceedings were taken to compel the Detroit United Railway to pay the judgment against the Detroit Citizens

Street Railway, which was met by the defendant finally filing a supersedeas bond.

The case was again tried in the Circuit Court and judgment for \$2,750 was rendered for plaintiff, which judgment the defendant reviewed in the Supreme Court, where it was affirmed and paid.

In the foregoing litigation the plaintiff would receive about sixty-five dollars, as attorneys' fees.

On the other hand, consider the speculative case. As it is now many of the lawyers prosecuting negligence cases expect to get half if they win, nothing if they lose. Juries know this and double their verdicts that the plaintiff's recovery may be substantial, after the lawyer is paid.

If instead of this method, the full sum of the verdict went to the plaintiff and the attorney fee in addition was taxed under the supervision of the court, would not the cause of justice be better served? On the other hand security for costs should be required, in proper cases, by the court, or a showing of reasonable cause.

Every one should have the right to prosecute a just cause, or maintain a just defense, and the one who stands in the way should be compelled to pay indemnifying costs.

In my judgment it will lessen litigation of the unworthy sort, and encourage the prosecution and defense of worthy litigation.

In the language of Thomas Jefferson,—

"Justice should be administered with an even hand and by rule, what is done for one must be done for every one in equal degree."

ADMISSION TO THE BAR IN MICHIGAN.

PROF. JEROME C. KNOWLTON, of Ann Arbor.

We are not for the moment concerned with admission to the Bar in foreign countries. This has been fully discussed before other associations; so has the subject of admission to the Bar in the several states of the Union and the subject of uniformity in this respect has been urged before the American Bar Association. We shall discuss conditions as we find them in Michigan and neighboring states.

We ask consideration of three questions:

First: What should be required of a student at law applying for admission to the bar of this state

Second: Should the fact that the applicant is a graduate of any school of law in this or any other state give him any advantages before our State Board of Examiners; or entitle him to any presumptions over students who may have studied in a law office or elsewhere?

Third: What conditions should govern the admission of attorneys from other states to general practice before the courts of Michigan?

Character Qualifications. Everywhere an applicant for admission to the bar is required to produce some evidence as to his moral qualifications. Why? Is it because of the popular distrust of practitioners at the bar, or because the profession is one of confidence and trust and every applicant should show that he is worthy of it? We hope the latter consideration is the prevailing one. The bar allows no presumptions in the applicant's favor. The burden of proof is upon him.

Usually, the endorsement of the student's application by two or more reputable attorneys of the court is sufficient evidence of the fact of character. We know how easily these endorsements are obtained, and that they are sometimes signed by men who ought to give assurances in their own behalf. Graduates from the University of Michigan and from the Detroit College of Law are admitted without this assurance.

In previous years some members of this Association have criticised the faculty of the law department of the University for graduating men without due inquiry into their moral qualifications; and an echo of that criticism is in the report of your committee on legal education and admission to the bar. It is said by your committee, "The means prescribed by statute and the rules of the board to

ascertain the moral character of applicants are not perfect, and no doubt should be changed in the interest of more reliable information, but they seem to be far superior to the test in this regard, applied upon the entrance of a student to a law school. In fact it is believed but very little attention is given to this matter in law schools. Not that it follows because there is rivalry between practically all law schools, and in the natural eagerness to secure large numbers of students, that teachers shut their eyes to the moral delinquencies of applicants or refuse to inquire lest they may be compelled to exclude them; but in the very nature of the case the tests as to character cannot be as fair in a law school as those that should be applied by a Board of Examiners." To this statement we take decided exception.

At the law department of the University of Michigan no student is admitted unless he brings to the dean of the department satisfactory evidence of his moral character and the evidence insisted upon is as competent and complete as that required by any board of examiners. A person applying for admission to the department as a student is generally required to bring credentials from some high school or other school of learning which of itself contains a recommendation of the applicant for admission. This ought to be some assurance as to character. True it is that men are now and then admitted to the department who during their course show a lack of right mindedness. If this fact is discovered the student is disciplined. Every year students are excluded from the department for some moral delinquency.

Again; from the very nature of the case the faculty has exceptional opportunities of learning the moral characteristics of the students. Daily contact with them for two or three years affords this. Whatever may be said of the value of a diploma from a high school or college it ought to be and generally is *prima facie* evidence of good character and quite as satisfactory as that insisted upon by any board of examiners.

Occasionally graduates of colleges have gone wrong and later have been imprisoned and some have been hung for crime, but you should remember that a diploma from a school or college speaks for the present and cannot be a guaranty of good conduct in the future.

We defer further consideration of character qualifications of the applicant. The subject comes up in another connection.

Preliminary Education. The qualifications of an applicant for admission to the bar in matters of general education are of primary importance. The requirements on this subject in the several states are quite indefinite and quite varied. Before considering what these qualifications are we may discuss for a moment the larger question. How much ought one to know before commencing the study of law?

Should any liberal culture whatever be insisted upon as a condition precedent to a study of the science of jurisprudence? Until a few years ago an education, most elementary in character, was thought to be sufficient. In fact none whatever was insisted upon. At the present time several of the leading law schools of the country decline to receive a student as a candidate for a degree in law until he has first obtained an A. B. degree from some approved college. Four years of collegiate training must precede his law study. At many other institutions in the west of equal importance a college course of from one to two years is required, and next year, 1912, a student entering the law department of the University of Michigan as a candidate for a degree must have spent at least one year in an approved college. Persons engaged in educational work have taken this step in advance, after careful consideration.

To the student at law a knowledge of men and things; of history, literature, science and the arts, is of high importance, but of greater value to him is the mental training and discipline that comes only from years of study in acquiring this knowledge. Facts and figures he may forget, but he approaches the study of perplexing questions arising with a muscular mind, and he will have need for it in the study of law.

We have said that the requirements for admission to the bar in matters of general education are decidedly varied in our neighboring states. In New York before the applicant can enter upon this study he must have studied from one to three years the subjects of English, Mathematics, Latin, Science and History. This is the minimum requirement in general education.

In Pennsylvania a student contemplating admission to the bar must register as a student at law and before he is allowed to register he must pass a preliminary examination in English language and literature, in the history of England and the United States, in mathematics through quadratics and plane geometry and in Latin, including several books of Cesar's Commentaries, several books of the Aeneid and the orations of Cicero against Cataline. After having passed this preliminary examination he must study law for a period of three years before appearing for final examination for admission to the bar. These are in general the requirements for admission to practice before the supreme court of the state, but conditions in Pennsylvania are somewhat unusual. Admissions to the supreme court did not prior to 1909 operate for admission to the superior or common pleas courts of the state. In that year the legislature enacted that an attorney's admission to the bar of the supreme court should admit him to practice in all courts of the commonwealth. Many of the profession regarded this law as unconstitutional and some courts have refused to recognize it. We are not aware that its validity has been passed upon. It is enough to say, however, that in the matter of general education

the requirements of some of the county boards are higher than those of the supreme court of the state.

Conditions in the state of Indiana are also uncommon. In this state the constitution provides "Every person of good, moral character, being a voter, on application shall be entitled to admission to practice law in all courts of justice."

Notwithstanding this constitutional provision the legislature of Indiana in 1881 passed a statute which provides that "Every person of good moral character, being a voter, on application shall be admitted to practice law in the courts of justice; but a jury may be demanded upon the question of character by any citizen of the county. Moral character may be proved by any evidence satisfactory to the court or jury trying the question; and any person desiring admission to the bar may, upon motion, be examined touching his learning in the law, by the judge or a committee of the bar whom the judge may select for that purpose. If he shall be found, by reason of his learning, qualified to practice the law, as well as otherwise qualified, he shall be admitted to the practice, which shall be entered of record. A roll of attorneys shall be kept in every county, and no name shall be placed thereon except such as shall be found qualified to practice by reason of their learning therein."

With regard to this statute I may quote from a letter recently written on this subject by a leading attorney of Fort Wayne, Indiana. He writes: "In accordance with the above section of the statute many of the courts of our state have appointed an examining committee to examine applicants for admission to the bar. I cannot answer as to the extent or rigidity of the examination by the committees of other courts, but I regret to say, however, that these examinations have been, as far as they have come within my knowledge, in our courts of this county pro forma rather than actual. I never yet have known an applicant's petition to be denied by the examining committee. This result, however, may have been largely influenced by the fact that the examining committee were of the opinion that the applicant had a constitutional right to admission to the bar if a voter and a person of good moral character.

"There has been an earnest effort by the bar of the state to have the section of our constitution above quoted amended so that examinations for admission might be required. A proposed amendment to that effect has been twice submitted to the people of the state and in each instance the amendment has failed for lack of a constitutional majority. Our constitution requires a majority of all the votes cast at the election to amend the constitution, but the people at large seem to take little if any interest in the amendment." From Letter of James M. Barrett, Fort Wayne, Ind.

In the states of Ohio, Illinois and Wisconsin the applicant must offer proof of a preliminary education equivalent to that received in

a four years' course in a public high school of the state. In Michigan the statute is silent on the subject of general education of the applicant; but our Board of Examiners some time ago provided by rule that the applicant must pass an examination, unless he can present, at least, a Michigan first grade teacher's certificate. And by recent rule of the Board he must pass an examination, before an examiner appointed by the Board, in Arithmetic, Grammar, Elementary Algebra, General, American and English History; Civil Government, Composition and Rhetoric, English Literature and Physics. This is perhaps as far as the board feel justified in going without express authority. In this matter of preliminary education Michigan is far behind many of her sister states. She ought to take the lead. The excellence of her schools and colleges would justify her in doing this. It would not be wise at this time to insist upon a college degree in literature, science and the arts as a preliminary requirement to admission to the bar, but we feel that the time has come when at least one year's collegiate training or its equivalent may be insisted upon as a condition precedent to the study of law.

As we have said: in another year students cannot enter upon the study of law as candidates for a degree at the University of Michigan until they have had at least one year's collegiate training. Unless this advance is supported by a similar educational requirement for admission to the bar, students at law may be driven from the college and university to the lawyer's office for their legal education. The bar fully realizes that this would be an unfortunate change. We urge this condition to the attention of the bar of the state.

Admission to the Bar on Diploma. Most states, including Michigan, require that the applicant for admission shall have studied law for three years, before applying, and the subjects in law upon which he is examined are substantially the same in all the states. The proper course of study is not within the scope of this paper. In Michigan for more than thirty years graduates of the law department of the University have been admitted to the bar on motion and without any examination whatever. In 1897 this privilege, if it may be, so called, was extended to graduates of the Detroit College of Law.

For many years the law faculty of the University have felt that admission of its graduates without examination was wrong in principle and unwholesome in its effects upon legal education. The faculty have repeatedly asked that the law in this respect be amended so that all persons whether graduates or not applying for admission be required to stand examination by the state board. This action has been approved by the Board of Regents of the University and similar action taken by this Association and the bill before the last legislature made provision for such examination, but the bill did not pass. Why not? The request of the faculty and this Association was made in the interest of better preparation for the bar and some potent reason for its denial should be given.

Admission to the bar on diploma from a school of law is allowed in Wisconsin and Minnesota, but in most states where there are law schools of the first rank a diploma conferring a L.L.B. degree does not excuse the applicant from examination by the state board. His diploma will not excuse him from examination in Massachusetts, New York, Pennsylvania, Ohio and Illinois, wherein are the great educational institutions of Harvard, Columbia, Yale, Cornell, University of Pennsylvania, Ohio State University, University of Illinois, and the University of Chicago. The graduates from the law schools of these and many other great institutions of learning within the states named must take an examination in law before admission to the bar and an examination by a board independent of the faculty from which the student received his instruction. Why should not the same be required of students graduating from the law department of the University of Michigan or any other school of law within or without the state? One's admission to the bar ought not to rest upon intendment or presumption. The applicant should show his knowledge of law to the board of examiners instead of showing what some other board or faculty may think that he knows.

The law faculty at our university do not intend to recommend a student for a degree unless they believe him in every way qualified for admission to the bar, but mistakes will be made. A large number of law graduates at Michigan are required each year to pass the quite severe examinations given in Pennsylvania, Ohio, Illinois and other states and quite uniformly pass them with credit. Occasionally a man fails. On the other hand, some students who have been denied a degree at the University have at once passed the state bar examination in Michigan and other states. These are exceptional cases. Perhaps some upon whom degrees have been conferred at Michigan might have failed to pass the state board, if an examination had been required. All this argues for rational checks and balances. A faculty of law ought not to pass judgment upon its own work. As a member of the faculty at Michigan I urge that the state board may examine our students and check up our work. If we are found short along certain lines these may be strengthened. More than all, examination stimulates the student and increases his interest in law outside his college curriculum. About 70% of the students graduated in law prepare themselves at Michigan University for admission to the bar in other states where an examination is required of them. They form clubs and classes and study thoroughly the substantive and adjective law of the state in which they are to be examined. This in addition to their regular college work. But students seeking admission to the bar in Michigan rest on their oars. No examination is required of them. They are admitted on their diploma. Let every student understand, at the beginning of his three years' course, that he must at the end pass a rigid examination for admission to the bar and you will help the faculty of the University in its work, stimulate

the student, and thereby raise the standard of our profession for learning in the law.

This specious objection to the examination of university graduates by the state board has been strenuously urged. The law faculty of the University of Michigan are selected by the Board of Regents and it is said that one state board ought not to sit in judgment on the work of another and that an examination by the state board of students graduated in law at the University is a reflection on the competency and an insult to the law faculty. Permit me to assure you that the University authorities do not feel that way or approve of this objection. On the other hand they have for years asked that the state examination be given students graduated in law and that the department of law be treated in this respect the same as other professional departments of the University.

Graduates from the department of medicine, from the school of pharmacy and from the school of dental surgery at the University are all required to take an examination by a state board of examination before receiving a license to practice their profession in the state of Michigan. Their diploma does not excuse them from this. No one looks upon this as a reflection on the competency of the faculties of these several departments. Why, pray, ought not the same to be required of students graduated in law.

We are not aware of any opposition to a repeal of the existing statute on this subject coming from the faculty of the Detroit College of Law. We have reason to believe that its members agree with us on this subject. Opposition by the faculty of an institution of learning to an examination of its graduates by a competent and impartial state board might afford the very best reasons why an examination should be insisted upon.

We appeal to the bar of the state and ask that the colleges of law within the state be relieved of the imputation that their graduates must be favored or they might fail. Colleges and schools of standing do not care to gain patronage by advertising the fact that through special legislation their graduates are favored in admission to the bar. **Students at law should become lawyers by education and not by legislation** and their qualifications for practice should be passed upon by the state board and not by the faculty that confers upon them the degree they may hold.

Admission of Attorneys from Other States. The admission of attorneys of one state to general practice in another state is a subject that has frequently challenged the attention of bar associations both state and national. The practice of Michigan in admission of attorneys from other states to general practice within this state is exceptionally liberal. At the last meeting of this Association attention was called to this fact in the report of your Committee on Legal Education and Admission to the Bar.

All of our neighboring states have strict regulations on this subject in two particulars. Generally the applicant is required to show by certificate of the judge of the court of record of the state from which the applicant came that he has practiced law from three to five years, before applying. This is of especial importance if the state's standard of admission to the bar is to be maintained. Under the present rules in Michigan our requirements for admission may be evaded through an easy admission in another state, followed by a change of residence to this state.

Again, on the application of an attorney of another state for admission to general practice within this state his moral character is of the highest importance. A graduate's diploma from a reputable institution of learning and before he has had years of contact with the business and professional world may be fairly presumptive evidence of his character. We know, however, that attorneys of a few years practice occasionally remove from one state to another leaving behind a reputation soiled by unprofessional conduct and are admitted to the state of their adoption without serious inquiry as to their moral characteristics. There are recorded instances of attorneys admitted to the bar on the certificate of admission of another state from which they have been disbarred from practice. Many states have guarded against this by requiring that an attorney from another state on seeking admission to the bar to present substantial evidence of his moral and professional standing in a certificate from a judge of the court of record of the jurisdiction wherein the attorney had practiced from three to five years; and even this is not enough. In some states the board of examiners must inquire further and fully into the moral qualifications of the applicant. The bill brought before the last legislature made ample provision on this subject and against the present abuses of migratory attorneys. For this reason, if for none other, it is to be regretted that the bill failed to pass.

Our state board of examiners since its organization has been able in its membership, faithful in the performance of its duty and a credit to the profession. It is entitled to the generous and genuine support of this Association. I trust that the next legislature will extend and strengthen the powers of the board, along the lines indicated, to the end that a better general education may be required of students at law; that no one be admitted to the bar except upon examination by the board, and that attorneys coming from other states into Michigan for general practice be required to pass an examination by the board, unless they give adequate assurance of at least three years actual practice in another state under ethical and moral conditions.

REPORTS OF COMMITTEES AND OFFICERS

REPORT ON COMMITTEE ON LEGISLATION AND LAW REFORM.

To the Michigan State Bar Association:

Your Committee on Legislation and Law Reform begs leave to report as follows:

During the recent session of the legislature, your committee had before it for consideration and enactment into law by the legislature, the following matters:

1. An employers liability act.
2. A re-organization of the judicial circuits of the State.
3. A change in the requirements for admission to the Bar.
4. A change in the law relative to the allowance of appeals in will contests.
5. A restriction on the right of a Probate Judge to prepare papers in proceedings before himself.
6. Making it a criminal offense for any person to represent himself as an attorney who is not legally admitted to practice.

A number of bills were introduced by different senators and representatives covering the first subject, viz., employers' liability to injured workmen. Several hearings were had upon these bills at joint meetings of the Senate and House judiciary committees. The chairman of your committee was present at some of these meetings, and submitted a brief, but your committee made no recommendation to the legislature upon this proposed legislation. All of the several bills failed of passage, but a commission was created to investigate the subject and report at the next session. That commission has been appointed by Governor Osborn. Hal H. Smith of Detroit is chairman. At this time your committee has no recommendations to make concerning this form of legislation.

As to the re-organization of the judicial circuits, there were also a number of bills introduced covering this subject, all of which failed of passage. The only bill introduced which your committee undertook to recommend was the one introduced by Senator Vanderwerp, providing for a rotation of judges. But it became apparent early in the session, that the time was inopportune for securing any legislation along this line. Any real reform in this direction was bound to incur the opposition of practically every circuit judge in the State, as it would result in legislating out of office many circuit judges who had just been elected for the regular six year term. The bills that were introduced were very modest in their requirements, affecting only a few circuits, but even these were impossible of passage. Your committee begs leave to suggest that legislation of this kind can never be secured on the eve of a general judicial election in the State.

As to the change in the requirements for admission to the bar, your committee, in conjunction with the Committee on Legal Education, the State Board of Law Examiners, Professor Bates, Dean of the Law Department of the University of Michigan, and Mr. McGregor, Secretary of the Detroit College of Law, prepared and had introduced by Senator Miller, a bill revising the existing law on the subject, so that all persons whether graduates of the University of

Michigan or the Detroit College of Law, should be required to pass an examination by the State Board of Law Examiners, before being admitted to practice in this State. In other words, a single standard of admission was prescribed. Certain other changes were made relative to the admission of non-resident attorneys.

It was supposed by your committee that when the bill was once agreed to, that no opposition would develop to its passage in the legislature, and hence no little time and pains was spared in getting the approval of the various boards, committees and law schools above mentioned to its provisions, all of which resulted in its not being introduced until late in the session, March 21st.

The bill was reported out favorably by the Judiciary Committee of the Senate, passed by the Senate, transmitted to the House and when the chairman of your committee asked the Judiciary Committee of the House to report it out, he learned for the first time that the Detroit College of Law instead of lending to the bill its support, was opposing it.

A hearing was then asked for, and secured, after which the bill was reported favorably by a majority of the Judiciary Committee of the House. Before it reached the order of third reading, however, some one interested in its defeat secured its reference back to the Judiciary Committee. It was then too near the close of the session to make any concerted effort to secure its passage, and your committee abandoned further effort along that line.

Your committee believes that the Association should definitely go on record in favor of this legislation, as such action on our part would undoubtedly be of material assistance to the next legislative committee in securing the passage of a proper bill along this line.

Your committee succeeded in getting enacted into law, an amendment to section 25 of Chapter 33, C. L. 1897, empowering probate judges, in will contests, before the hearing thereon in Probate Court, to certify the same to the Circuit Court for hearing. This measure failed of passage in the previous session of 1909. But the bill restricting the right of probate judges to prepare papers in proceedings before himself, likewise defeated in the previous session of 1909 and which your committee had introduced in the Senate, died in the Senate Judiciary Committee, several members of that committee expressing the opinion that it would be useless to attempt the passage of such a bill in the House. Their opinion seemed to have been well founded, as a similar bill was introduced in the House, reported out by the House Judiciary Committee and then badly defeated on the floor, the farmers of the House generally lining up against it.

Your committee also succeeded in getting passed a bill making it a misdemeanor for any person, not regularly admitted to practice, in any way to represent himself to the public as an attorney at law. This bill was suggested to your committee by Mr. Frank E. Jenkins of Oxford.

All of which is respectfully submitted

CHAS. W. NICHOLS, Chairman.
STUART E. KNAPPEN,
WM. M. SMITH,
LEVI L. BARBOUR,
T. E. BARKWORTH.

REPORT OF COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO BAR.

To the Michigan State Bar Association:
Gentlemen:

Your Committee on Legal Education and Admission to the Bar beg leave to make the following report:

The paper constituting the report has been prepared by the Chairman of your committee, who has been a member and Secretary of the State Board of Law Examiners since October, 1899.

The opinions, judgments and conclusions therein stated are his. Nevertheless the other members of the committee signing the report are of the opinion that the matters discussed are worthy of your consideration.

WESLEY W. HYDE,
ALBERT E. SHARPE,

THE STATE BOARD OF LAW EXAMINERS OF MICHIGAN.

The Board was organized under Act 205 of the session of 1895 in effect August 31st, 1895. It has therefore been in operation for more than fifteen years. Because its first meetings were held in the latter part of 1895, and it now meets twice yearly in April and October, it is assumed that its year ends, the day before the first day of its regular October session.

The Board consists of five members who are nominated by the Supreme Court to the Governor who appoints. The term of office is five years and the term of one member expires each year. The Board elects a secretary and treasurer, but a member is president during the last year of his term *ex officio*.

Statutory Requirements for Admission.

The law under which the board acts, at first provided that with the exception of graduates of the Law Department of the University of Michigan and practicing attorneys of other states, only those recommended by the Board could be admitted. By amending Act No. 93 of 1897 it is provided that graduates of The Detroit College of Law may be admitted on diploma as in the case of graduates of the State University. A graduate of either of these institutions may be admitted to practice on presentation of diploma whether he is a citizen of the United States or not and there is no age limitation. This is true also of practicing attorneys from other states or countries.

In the case of any other applicant for admission, section three of the act provides that they must be "of full age, a resident and a citizen of the United States and of good moral character," and section five provides that they must, among other things, produce satisfactory evidence of their good moral character. Rule Three of the Board provides that the affidavit of two or more lawyers in good standing, asserting the good reputation as to moral character of the applicant

shall be supplied, and that the certificate of the local circuit judge to the same effect shall also be supplied where the applicant is known to him, personally or by reputation.

The act, Section Five, also provides that an applicant, to be eligible for examination, must satisfy the Board that he has "studied law three years." This provision is construed by the Board to mean that an applicant must study law at least four hours per day six days each week for thirty-six weeks in each year, or equivalent time each year. And that if more time is given to study in a certain year than this minimum, the excess over the minimum cannot be credited to study in another year in order to make up a deficit of actual study for that year. It is the quite general opinion of the past and present members of the Board, the writer believes, that the time element is important in the study of the law, and that an ordinary student is incapable of acquiring an intelligent notion of the law and of his relations and duties thereto as a lawyer in less time than three years.

General Education and Moral Qualities.

The law as to general education so far as applicants examined by the Board are concerned, is silent, save that Section Four makes it the duty of the Board to examine applicants "as to their legal learning and general qualifications to practice," etc.

The first Board at once decided (and the rules in this regard which it made have since been followed), that it was authorized to determine what general education is requisite to qualify one to practice law, and by Rule Three provided that "applicants who have received bachelors degrees from any reputable college or university;" * * * * "graduates of normal or high schools of the State of Michigan or other reputable institutions of a similar character;" or who hold a Michigan first grade or higher teacher's certificate; will be *prima facie* eligible for the legal examination.

Where an applicant fails to satisfy the Board that he has complied with one of these requirements, he will be examined by the Board as to his general education, and the Board will decide after such examination whether he is eligible to take the legal examination.

The Board may also examine an applicant whose papers show that he has complied with one or more of the above requirements, if it should appear at any stage of the legal examination that it was doubtful if an applicant, though a graduate, really had sufficient education to properly fulfill a lawyer's functions.

Rule Three also provides that the Board's examination as to general education will be confined to subjects of study required for graduation from a Michigan high school; and particularly arithmetic, grammar, elementary algebra, general American and English history, civil government, composition, rhetoric and English literature.

One hundred and nine applicants have required examination by the Board as to general education. These examinations take place at the hotel at Lansing on the evening preceding the first day of the legal examination. It is necessarily informal, but usually consumes three hours or more, and perhaps is sufficient to enable the Board to judge intelligently as to whether an applicant has enough general education to prevent his becoming the laughing stock of his community. It is remarkable that men who would quickly be set down as ignoramuses by any fairly intelligent person in whose presence they should have the temerity to converse upon any general topic, should coolly reveal their profound ignorance to the Board at ex-

aminations as to their general education, with the apparently confident expectation that they would be pronounced by the Board to be fit to practice law. And equally so that they should become angry or weep when their total want of culture is pointed out to them. One thing is certain: It is quite unlikely that the Board will ever be so constituted that it will err in refusing to allow an applicant to take the legal examination. Men are so constituted that the desires and merits (especially the desires) of the individual bulk so large in their vision, and their defects seem so unimportant, that the great interests of the public adverse to the wishes of the individual, if not lost to sight, are apt to be, at least, unduly minimized. If this is taken to be a criticism upon members of the Board, past or present, it at least tends to show that they have warm and generous hearts.

It will be noted that while applicants who apply for admission through the Board are required to be of good character, and to have a certain general education, the law imposes no such conditions upon graduates of the two law schools located within the borders of the state. A graduate of Harvard, Yale, Columbia and other law schools, to be admitted must take the examination, and supply satisfactory evidence of good character and general education, but graduates of our own law schools are exempt from these annoyances. It is within the experience of the Board that it by no means follows that because a man has been a student in a Michigan law school, he has an adequate general education. The prevailing opinion among thoughtful and observing members of our profession, is believed to be, that the public suffers from the lack of a sound general education of some lawyers. No doubt the number of uneducated lawyers tend to decrease just as general education tends to increase; but when we reflect that a lawyer is looked upon as a man of light and leading in his community, and that social and public positions he is called upon to occupy require a large fund of more or less accurate general information, it is quite apparent that the public welfare, as well as the best interests of the profession, require a higher standard by which to measure applicants for admission in this regard at least.

Among educators engaged in teaching the theory and practice of the law, it is the general opinion that the public interests would be better subserved, if lawyers were required to hold a degree from some reputable college or university as a condition to admission. It is the opinion of the writer that this would hardly be necessary at present if there were some practical way to insure that applicants were really intelligent, had a due appreciation of the importance to them of general culture, and were graduates of good high schools in courses of study covering the subjects referred to in the rule of the Board cited above.

To require a college degree as a condition for admission might prevent a true genius from rising into a sphere of great usefulness where his public service would be of large importance. Yet it is quite likely that such a requirement, though it did have this effect in one or two cases in a generation, (for geniuses are quite rare) would result, upon the whole, beneficially to the public; for the ignoramus and the stirrer up of litigation would thus be largely eliminated. Whether ignorant lawyers in practice and on the bench have done more harm than the vicious lawyers who have stolen in, may be a serious question.

But could there be any good reason for objecting to an amendment to the law governing the subject, requiring all applicants for

admission, graduates of Michigan law schools or foreign practicing attorneys, as well as others, to hold a diploma from a good high school?

When it is remembered how practical it is for any ambitious youth to get a high school education it does not seem to be a too rigorous requirement. Of course provision should be made for the admission of those who passed an examination like that which high school students undergo as a condition of graduation. Such a requirement, though substantially lower than the standard requiring a college degree, would be substantially higher than the present one of the Michigan State Board of Law Examiners.

It is true that the statute, in effect, fixes this standard for the state board, but it is apparent to anybody that the State Board is not a proper body to pass upon the matter of general education. In the very limited time at the command of the Board it is impractical to do more than it does do, and that is to find out whether an applicant is fairly intelligent.

But if the law were amended as suggested, all opportunity for the exercise of discretion would be gone. The production of a diploma would be the only test. Discretion in a matter of this kind ought not to be left to any body of lawyers, because it is sure to be exercised in but one way, viz: to lower the standard.

Youths not graduates of high schools have no inherent right which is denied or abridged if they are excluded from the profession of the law; even as no one else has any such inherent right. The question ought to be determined in the public interest solely, because only in that way can individual interests be best protected.

Considerations of this nature, led the Board at its last session to amend Rule Three above referred to. As amended the rule is as follows:

The Board of Examiners will regard an applicant holding a bachelor's degree from any reputable college or university or who is a graduate of a normal school, or a standard high school which completes a school course of twelve grades, of the State of Michigan; or the certificate of an examiner appointed by this Board as provided by its rule; as having *prima facie* sufficient general education for admission to the bar.

No candidate failing to file with the Secretary of the Board, at least ten days prior to his presenting himself for the legal examination, a diploma or certificate in compliance with the foregoing provisions, will be permitted to take the legal examination, until he satisfies the Board that he has sufficient general education for admission to the bar.

The name and address of the examiner nearest to the residence of the applicant will be supplied upon request to the Secretary.

The applicant will be required to pay in advance a fee of five dollars to such examiner for the examination.

The examiner will examine the applicant upon the following named subjects: Arithmetic, Grammar, Elementary, Algebra, General, American and English History, Civil Government, Composition and Rhetoric, English Literature, and Physics.

In case the applicant satisfactorily passes such examination, the examiner will issue to him his certificate to that effect with the marking given on each subject. An applicant may be rejected if at any time during the legal examination he should be found to be deficient in general education, irrespective of his standing upon the legal examination.

The Board of Law Examiners will from time to time appoint one or more examiners, being residents of this state, who may continue to act as examiners of applicants for admission to the bar as to their general education during the pleasure of the Board as provided herein.

By the plan so provided the matter of examination of applicants by the Board as to their general education becomes unnecessary unless such applicant having the required diploma or certificate, reveals a lack of general education during the legal examination.

**Should Graduates of Law Schools Be Admitted Without Examination
By the Examiners?**

Whether a graduate of a law school ought to be admitted on presentation of his diploma, or whether he should pass the State Board of Law Examiners is a question that has received a good deal of attention from members of our profession. At every meeting of the American Bar the question is discussed pro and con, although there is almost complete unanimity there in the opinion that a diploma ought not to, of itself alone, entitle its holder to admission. The reasons advanced are numerous and quite convincing.

Not the least important is the fact that if certain law schools have the privilege of having their graduates admitted without further tests, and others have no such privilege, the effect is apt to be that the first named schools will not be as strenuous in insisting upon thorough work among its students. It is said that in some states there is a rivalry between local law schools as to whose students shall pass the best local state board examination. The effect of this upon the students and the public welfare cannot but be good.

Moreover the character of the school examinations, the time or times, and the conditions when and under which they occur, are quite different from a bar examination.

The law school examinations occur frequently and are not crowded into a brief space. They furnish the teacher a basis for warning to delinquents that they must be more assiduous in their studies if they would graduate. Perhaps these examinations are just as practical, probably they are more thorough as far as detail is concerned at least, but they differ in important particulars from a bar examination.

The writer remembers hearing Lawrence Maxwell of Ohio, (who has given large attention to the matter of legal education) say that experts who fit or cram students for school or bar examinations become so familiar with the trend of the examiner's mind that he can forecast with a high degree of accuracy, just what questions will be asked on a given subject, and so is able to cram the student with reference to them.

This is of course much more apt to be so in the case of a law teacher, than in that of a practicing lawyer acting as an examiner. Certainly the trend of the minds of the members of our board could hardly be divined because the twenty-seven topics upon which it examines are prepared in such a way that the aforesaid expert would not be likely to know which member had prepared a particular question.

The number of questions used at an examination is limited to fifty and these cover twenty-seven subjects. Practically all of the questions consist of statements of fact, from which the student is required to draw legal conclusions. In this way they conform more nearly to the questions which arise in actual practice.

Each of the five members of the Board prepares ten of these questions, and submits them to the other members, who freely criticize them; and the member preparing them is at liberty to change a question so as to obviate a criticism, or to refuse to do so. It would be possible to ascertain, perhaps, who prepared a particular question; but before one member has prepared enough questions on a particular topic to afford sufficient data for the prognostication of the aforesaid expert, the topics are reassigned, and his basis for prophecy thus destroyed. The topics were reassigned in 1904 and again in 1907, and of course might be, and perhaps should be reassigned every year, or possibly twice a year.

It seems quite clear that an examination covering the whole range of the law crowded into three days, upon questions prepared by practicing lawyers is quite different from the leisurely (?) examinations occurring from time to time in a law school, and perhaps are better calculated to test the actual learning and substantial knowledge of the applicant. As will be seen in the appended statistical statement applicants who have been students in law schools, are, as would naturally be expected, less apt to fail than those who have not had that privilege. Nevertheless a substantial percentage (about 11%) of them do fail, not only to pass the first or subsequent examination, but fail finally. (The fact that but 3% of applicants having a college degree evidencing their possession of a good general education, fail, shows how general culture tends to fit the mind for the apprehension of legal principles.)

The means prescribed by the statute and rules of the board to ascertain the moral character of applicants are not perfect, and no doubt should be changed in the interest of more reliable information, but they seem to be far superior to the test in this regard, applied upon the entrance of a student to a law school. In fact it is believed that very little attention is given to this matter in law schools. Not that it follows because there is a rivalry between practically all law schools, and a natural eagerness to secure large numbers of students, that teachers shut their eyes to the moral delinquencies of applicants or refuse to inquire lest they be compelled to exclude; but in the very nature of the case the tests as to character cannot be as thorough in a law school, as those that should be applied by a board of examiners.

The fact that the tests required in the case of applicants to the state board as to citizenship and good moral character are different than in the case of students graduating from a Michigan law school, is at least a reason why some change resulting in uniformity should be made. As a matter of sound reasoning there seems to be no principle of public policy that justifies a political state in discriminating against a law school because it happens to be located without its borders, unless it be a fact that its climate is such that legal principles are more clearly apprehended there than elsewhere.

Probably such a discrimination is not within the provisions of the federal constitution that the "Citizens of each state shall be entitled to all Privileges and Immunities of Citizens in the several states," etc., but it is near enough to make its unwisdom, not to say its unfairness, more apparent. Such a discrimination tends to bar out highly desirable citizens, and to "protect" the citizens of a state in a monopoly of legal learning in a truly medieval way.

Following are some facts gleaned from the records of the Michigan State Board.

The number of applicants who followed gainful occupations while studying has not been ascertained and therefore it does not

appear how often they failed to pass. No doubt if the records of the board were complete in this regard, it would appear that a very large percentage of applicants who studied law while earning bread and butter and perhaps supporting wife and children, finally failed to pass. Applicants of fifty years or more of age, those holding political office, justices of the peace, insurance agents, experienced litigants, etc., married and unmarried, come to State Board examinations in relatively large numbers, and most largely contribute to the list of failures.

The Board held its first meeting August 30th, 1895.

The following are statistics covering the fifteen year period from that time until October, 1910:

Whole number of applicants.....	364
Number who withdrew or did not appear for examination.....	10
Number examined one or more times.....	354
Number admitted.....	308
Number finally rejected (13% of the whole number examined)....	46
Number of women applicants.....	2
Number of women admitted.....	2
Number admitted on first examination (70% of the whole number examined)	248
Number admitted on second examination (12 4/10%).....	45
Number admitted on third examination.....	10
Number admitted on fourth examination.....	4
Number admitted on fifth examination.....	0
Number admitted on sixth examination.....	1
Number finally rejected on sixth examination.....	1
Number finally rejected on seventh examination.....	1
Number of applicants having college degree.....	65
Number of applicants having college degree admitted.....	63
Number of applicants having college degree rejected.....	2
Number of applicants graduates of High Schools.....	99
Number of applicants graduates of High Schools admitted.....	88
Number of applicants graduates of High Schools rejected.....	12
Number of applicants having equivalent of graduate of High School	80
Number of applicants having equivalent of graduate of High School admitted.....	75
Number of applicants having equivalent of graduate of High School rejected.....	6
Number of applicants not graduates of High School or equivalent..	110
Number of applicants not graduates of High School or equivalent admitted	84
Number of applicants not graduates of High School or equivalent rejected	26
Number of applicants examined who had attended a law school for some time.....	128
Number of these admitted.....	114
Number of these rejected.....	14
Number of applications filed each year:	
First year including No. 56 ending October, 1896.....	56
First year including No. 81 ending October, 1897.....	25
First year including No. 115 ending October, 1898.....	34
First year including No. 146 ending October, 1899.....	31
First year including No. 168 ending October, 1900.....	22
First year including No. 203 ending October, 1901.....	35
First year including No. 227 ending October, 1902.....	23
First year including No. 244 ending October, 1903.....	18
First year including No. 269 ending October, 1904.....	25

First year including No. 294 ending October, 1905.....	25
First year including No. 318 ending October, 1906.....	24
First year including No. 335 ending October, 1907.....	17
First year including No. 347 ending October, 1908.....	12
First year including No. 354 ending October 1909.....	7
First year including No. 364 ending October, 1910.....	10

364

The experience of the Board for the last two years more fully appears by the following statement showing the number of applicants and the results of the examinations:

Applications in 1909.....	7
Passed on first examination.....	5
Passed on second examination.....	1
Applications in 1910.....	10
Passed on first examination.....	5
Passed on second examination.....	0
Applicant not appearing for examination.....	1

At the 1897 session of the Legislature the law governing admission to the bar was amended (Act No. 93) so that holders of diplomas from the Detroit Law School were not required to pass the State Board. This fact accounts for the much smaller number of applicants per year since the first year. These figures show that the number of applicants is gradually decreasing. If the number of applicants per year should be no greater than in the years 1909 and 1910, the question whether the board should be maintained for the accommodation of such small numbers of applicants, whether it would not be better to abolish it altogether and instead admit only applicants who are graduates of reputable law schools, seems to be a practical one. Of course the alternative is to abolish the discrimination now existing in favor of Michigan law schools. If that were done, the functions of the State Board of Law Examiners would be large and important, and its existence would perhaps be more fully justified.

This is not saying that the board has not had a sufficient reason for existence in the past. No doubt the contrary is true. The number of applicants does not determine its importance or usefulness. It is believed that it has been a great influence in raising the standard of the profession in Michigan. Doubtless it has been the means of excluding a large number whose examinations showed them to be unfit, and a still larger number who have not had the temerity to apply. None of us, I fancy, would like to return to the hap-hazard methods of admission that were permitted before the State Board of Law Examiners was organized.

LETTER FROM MR. A. E. SHARPE, SAULT STE. MARIE.

June 12, 1911.

Hon. Wesley W. Hyde,
Grand Rapids, Mich.

Dear Sir:—

I have received your letter of the 9th inst., with copy of report of the State Bar Committee on Legal Education and Admission to the Bar as prepared by you. I appreciate the fact that your long experience on the Board of Examiners has familiarized you with the matter

in hand and has made you specially qualified to prepare such a report and recommendation. I am heartily in accord with the recommendations contained in the report and authorize you to sign my name thereto as a member of the committee.

I was impressed some years ago with the feature of the law which provided that graduates of the law schools of the state were entitled to admission to the bar without being citizens while other candidates for admission were obliged to be citizens. I can see no justice in such a discrimination and have long been of the opinion that the law should be changed so as to make this feature or qualification for admission to the bar uniform as to all classes of candidates. I understand that it has been the practice at the University and also at the Detroit College of Law to require that graduates from the law department become citizens before receiving their diplomas. But I personally know that this requirement has been avoided in some cases and that Canadians have taken a course at the Detroit Law School and received their diplomas without such qualification, but I am satisfied that in doing so they practiced deception upon the faculty of the college. It seems to me, however, that the law regarding admission should be made uniform in this respect.

I can see no good reason why graduates of Harvard and other law schools of high standing should not enjoy the same privileges of admission as students from law schools in this state, and I believe it would be to the interest of the profession in Michigan if admission to the bar could only be secured by passing an examination before the State Board of Law Examiners.

Very truly yours,

A. E. SHARPE.

LETTER FROM MR. WALTER R. TAYLOR, OF KALAMAZOO.

June 17, 1911.

Mr. Wesley W. Hyde,
Grand Rapids, Mich.

Dear Mr. Hyde:

Please pardon delay in replying to yours of June 9 enclosing copy of report to Michigan State Bar Association, which I return herewith. In the first place will say that as I recollect it, the Secretary of the Association notified me nearly a year ago that I had been made a member of the Committee on Grievances, but as I cannot now locate the notice, I may be mistaken. I have heard from no one concerning committee work, until your letter arrived.

If I am a member of your Committee on Legal Education and Admission to the Bar, will authorize you to add my name to the original report, with this qualification: "I dissent from the expression on pages 6 and 7 that no applicant for admission to the bar should have an opportunity to take the examination without a diploma from a good high school, and the recommendation that the law be so amended as to take away the discretion from the Board of Examiners, and make the production of a diploma the only test, adding that "Youths not graduates of high schools have no inherent right which is denied or abridged if they are excluded from the profession of the law."

I believe there should be a high standard of general education required for admission to the bar, and do not criticise the amended

rule of the board which you next quote on page 8, requiring in the absence of a satisfactory diploma or certificate an examination which will satisfy the board that the general education is sufficient.

A high school diploma does not always represent education, as the holder may have been crammed with enough parrot-like answers to pass on, which he forgot sooner than he learned them, and on the other hand many a man who has been denied even high school advantages has had the ambition and perseverance to master more knowledge than the average high school graduate, and his doing so under difficulties may give him better training for the legal profession than if he got the same knowledge under more favorable circumstances.

I believe any man should be allowed to take the examination if he has really got sufficient education, no matter how acquired or whether or not he has any evidence of it outside of his own head, and not merely because he has **record evidence** of having one time passed a high school examination.

I was very much interested in your paper, and aside from the one point of difference, I think it is excellent.

Yours very truly,

WALTER R. TAYLOR.

LETTER FROM PROF. VICTOR H. LANE, OF ANN ARBOR.

July 3, 1911.

Wesley W. Hyde,

Chairman Com. State Bar Assn. on Legal Education,
Grand Rapids, Mich.

Dear Sir:

I should have returned your report as such chairman, or reply to your letter accompanying it, earlier. I put it into the hands of Mr. Knowlton, who reads a paper on "Admission to the Bar," and also into the hands of Mr. Bates, the Dean of our school.

I am in accord with your report in the main.

You suggest the question of the constitutionality of our statute limiting its application to those coming through our own law schools and excluding those from schools outside the state. I think we may distinguish between those graduated from our own schools which are subject to regulation by the State and those graduating from schools over which our State has no control, and that you are quite right in your conclusion.

I am not persuaded, however, that the methods of the Board of Examiners afford a better means of determining the moral character of applicants than do those used by the faculty of the Department of Law. We have a faculty of about 15 men, each of whom has a good measure of contact with each student in his class room. Each of these has some measure of opportunity outside the class room which is by no means insignificant, in helping to know the men. We have an attendance committee of three members sitting regularly twice each week to consider delinquencies in attendance which is taken carefully in each class. This committee is pretty certain to round up, before a semester is finished, any student who falls into bad habits which are so certain to show in attendance records.

Delinquencies involving integrity are pretty certain to get to the attention of the administration during a student's three years if he is guilty of such. Landladies and other students affected by such conduct are fruitful sources of information. While I do not know what measure or proportion of the applicants for examination before your board are rejected because morally deficient, yet I should be very much surprised if we did not reject a percentage of applicants for degrees three or four times as large as yours. But this I have no data at hand to verify. We do dismiss a good many because we think them unfit for the bar, morally.

I don't overlook the fact that you say the methods of the bar examiners is more effective than those of the law school, to detect moral delinquencies of students who **apply for admission to the school**. I am not so sure of this, but we have an experience of three years with the student before we say he may be admitted to the bar, while yours is the experience of a few hours at best, and that of a character not calculated to detect moral delinquencies.

I think I may say that if there was anything like strife for numbers of students, so far as Michigan University is concerned, that day is passed. Requirements for admission are now rigidly enforced and are being continually raised.

These steps are taken deliberately in the face of the certainty that the attendance is certain to be materially lessened in numbers. Next year one year of college work will be required for admission.

I am in entire sympathy with your position upon the question of abolishing right to admission on diploma.

Very truly,
V. H. LANE.

LETTER FROM MR. MALCOLM MCGREGOR, OF DETROIT.

June 14, 1911.

Mr. Wesley W. Hyde,
Grand Rapids, Mich.

Dear Mr. Hyde:

Your letter of June 9th enclosing proposed report to the Bar Association received. I have read the same with interest. I agree with you that the matters discussed are worthy of the earnest consideration of the Bar Association, and I am glad to learn the point of view of one who has acted as a Bar Examiner for so long a period. As you know from our conversation, I differ from you as to some phases of this matter of legal education.

I call your attention to the requirements of the Detroit College of Law relating to age and citizenship.

"Applicants for admission to the first year class must be at least eighteen years of age; to the second year nineteen and to the third year twenty. All persons receiving the diploma of this school must be at least twenty-one years of age."

Citizenship:—"The diploma of the college will not be conferred on a student who is not at the time of graduation a citizen of the United States."

These rules have been enforced for a number of years and I believe that the same rules prevail at Ann Arbor.

As to general education, we comply with the suggestion contained in your report that a high school education should be required. We have recently had our requirements for admission revised by a teacher of the high school here and the new requirements will be carefully enforced.

I am decidedly opposed to the suggestion that a college degree should be required for admission to a law school. This would bar out students coming from frugal homes, and many of the best men in the legal profession have been recruited from that source.

I differ also from you with reference to your suggestion that the students from the law school should be examined by your commission. I note that your commission asks in the neighborhood of fifty questions. I recently made an estimate of the number of questions that were asked in the written examinations and in the oral quizzes in our law school and came to the conclusion that at least 20,000 questions were asked during the course of three years. On a recent examination in Agency seventy questions were asked covering the entire subject. In other words I think that the law school examinations are more thorough than yours. In the second place, I am informed that many educators are convinced that examinations held at intervals are much better than those held as a climax to a long period of study. Such a method of examination has been declared to be vicious in that it put an undue tax upon the health of the student and tended to produce improper methods of study.

The statement contained in your report that no attention is paid to the moral character of the student in the law schools is incorrect so far as our school is concerned. In a school the size of ours, the professors become acquainted with the student and know far more of his characteristics than your Commission could hope to know. The judgment of our faculty on questions of this kind is usually based upon an intimate knowledge of the character and habits of the student.

I note the small number of students taking your examination. I believe that this condition is as it should be. Your report indicates clearly that the law students in this state are getting their education in the law schools. It is generally admitted that a legal education should be acquired in a law school. The effect of the law permitting the admission on diploma as evidenced in your report is to encourage the student to attend the law school. The repeal of this law will largely increase the number of students taking their work in Correspondence Schools, Law Offices, or with Quiz Masters.

It is the desire of the faculty of our school to increase its efficiency in every respect. Recently it was decided to lengthen the period of study for evening students to four years. We have delayed announcing this new rule because of the proposed repeal of the law relating to admission to the bar. If the conditions remain as they are, this new rule will be put into effect commencing with the class entering in 1912. It would be idle, however, to lengthen this course if the law is changed, as we could not hope to keep students after the third year or in competition with new schools which are proposed to be formed maintaining a three year course, if the law is changed.

Your report contains much valuable information, and subject to the above modification has my approval.

Yours very truly,

MALCOLM MCGREGOR.

REPORT OF COMMITTEE ON CHRISTIANCY MEMORIAL.

Your Committee on "Christiancy Memorial" submits this, its sixth and final report:

This Committee was appointed at the annual meeting of the Association in 1904 and was first charged with the duty of considering the erection of a monument over the grave of Judge Isaac P. Christiancy. After investigating this matter, the Committee reported that consent, of those owning the private cemetery where Judge Christiancy was buried, to the erection of such monument could not be obtained and at the Annual Meeting of the Association in 1905, this Committee was instructed to undertake the work of securing a bust in marble of Judge Christiancy to be placed in the Library in the Capitol building at Lansing.

Your Committee secured many subscriptions from members of the Bar in Michigan to a fund for this purpose. The names of the subscribers and the amounts subscribed are found in the printed record of the Annual Meeting of this Association in 1910. After considering the matter, the Committee recommended that work of producing the bust and a suitable pedestal be intrusted to Mr. E. C. Potter, of Greenwich, Connecticut. Pursuant to the instruction given at the Annual Meeting of the Association in 1906, this Committee commissioned Mr. Potter to do the work at the price of \$1,000 for the bust and \$100 for the pedestal.

The work has been completed and the Committee takes pleasure in presenting this bust and pedestal for your examination and acceptance.

The financial report will be submitted by Mr. William J. Landman, who kindly acted as Treasurer for the Committee, and has greatly assisted in the work of the Committee. We trust that the results obtained will meet with your approval and recommend that out of the fund in the hands of Mr. Landman as Treasurer, the bill of Mr. Potter and any other expense connected with placing the bust in the State Library be paid and that the balance of the fund, if any, be turned over to the Treasurer of this Association.

Dated July 6th, 1911.

HARRY A. LOCKWOOD,
JOHN C. DONNELLY,
WILLARD F. KEENEY,
GRANT FELLOWS,
SILAS L. KILBOURNE,
Committee.

REPORT OF TREASURER OF CHRISTIANCY MEMORIAL FUND.

To the Officers and Members of
The Michigan State Bar Association:
Gentlemen:

The Secretary, as Treasurer of the Christiancy Memorial Fund,

reports that \$1,151 have been subscribed to this fund and \$943 collected. The interest on the fund, however, which is on deposit in the Fourth National Bank at Grand Rapids, brings the total amount in such fund up to the sum of \$1,019.97. We need over \$1,100.

The Secretary can readily inform any member whether or not he has subscribed and paid.

WM. J. LANDMAN,
Treasurer Christianity Memorial Fund.

REPORT OF COMMITTEE ON SECURING COMMISSION TO CODIFY CERTAIN LAWS.

To the Michigan State Bar Association:

Gentlemen—Your Special Committee on the Codification of Certain Laws begs leave to report as follows:

Agreeably to your direction, we prepared and presented to the Michigan Legislature of 1911 a bill for the revision and consolidation of the general laws relating to domestic relations, corporations, highways and real property and other general laws, a copy of which measure is hereto appended (Exhibit A), duplicates being simultaneously introduced in the Senate and House of Representatives by Senator Lee and Representative Cummins respectively.

The committees to which they were referred were so occupied with other matters deemed more important that we were unable to obtain a hearing or action thereon, notwithstanding our urgent requests, and the active co-operation of the Lawyer's Club of Detroit, which unanimously endorsed the measure and urged its passage. There is a need and the time is ripe for a campaign of education that the attention and active interest of the bench and bar may be elicited and the sentiment of the general public crystalized to the end that our statutory law may be made plain, clear and concise.

The proposed bill follows Act No. 169 of the Public Acts of 1893 providing for a similar commission to prepare a bill for the government of municipalities and also embodies a portion of Chapter 289 of 1889 of New York of similar import. It in no way interferes with or affects any prospective compilation of the statutes, but merely continues a work already started in Michigan, and pursued, so far, with beneficial results. In 1873, a commission was appointed to prepare a code of procedure and to simplify the practice (Session Laws of 1873, page 571). In 1881, a commission was appointed to prepare a general tax law (Session Laws of 1881, page 571), but owing to the fact that the measure gave members of the commission seats in the legislature, the Supreme Court divided evenly as to the constitutionality of the act framed and passed as recommended by the commission. In 1893, a commission was created to prepare a general municipal corporation bill (Session Laws of 1893, pages 268-9), which commission prepared the so-called Blanket Charter. In 1909, a commission was created to promote uniformity in legislation (Session Laws of 1909, pages 362-3.).

Under Section 40 of the Constitution of 1908, which, with but minor additions, is a re-enactment of a similar provision of the Constitution of 1850, a general revision of the statutory law is not allowable, and codification must necessarily be partial. Prior to 1850, no such constitutional limitation existed, and in 1838 and 1846 the statutes were completely revised and codified, resulting in great confusion, (the nature of which is outlined in the State Tax Law Cases, 54 Michigan, 450-1), which was one of the chief causes for calling of the Constitutional Convention of 1850. However, the present compilation of 1897 is based upon the Revised Statutes of 1846 and includes many of the errors therein. In the preface to Vol. I of the Compiled Laws of 1897, the compiler states:

"In this connection it does not seem out of place to call the attention of the legal profession and of future legislators to the necessity of condensation, consolidation, and elimination of surplusage from the statute law of Michigan."

Our specific needs appear to be as follows:

Expurgation—The specific repeal of obsolete, contradictory and inconsistent statutes;

Consolidation—The gathering together under general heads all cognate general statutes and bringing same down to date of collation and condensation;

Classification—The analysis and arrangement of existing general, special and local laws under their proper heads;

Republication—A publication of the laws as consolidated with a full and complete index.

In short, the statutes should be expurgated, consolidated, classified, simplified and republished, but not changed in substance excepting so far as the minimizing of expense and delay requires. While we doubt that a mere codification of certain laws under general heads will fully accomplish this, we believe it to be a necessary step in the evolution of the statutory law to that end, and at least will tend to render our general laws more comprehensive, insure the proper classification of future legislation, impose a check upon ill-advised amendments, and render our statutory law more accessible.

It is contemplated by your committee that the proposed commission should continue under an extension of authority from succeeding legislatures to report bills for the consolidation and revision of certain laws under general heads until the whole body of our statutory law has been covered, and to work in conjunction and harmony with the commission already created to promote uniformity in legislation, and that both should take cognizance of the recommendations of the Comparative Law Bureau of the American Bar Association and the Commissioners on Uniform State Laws.

In the light of the beneficial results which have accrued from such measures everywhere, and the burdens which the maxim *ignorantia juris non excusat* imposes upon every citizen and the consequent necessity that the statutory law be accessible, we are induced to recommend that a committee be appointed to continue this work and to conduct a general campaign of publicity and education to the end that the importance of a revision and consolidation of our laws under general heads may be realized by the general public and that specific action may be obtained from the next legislature.

Respectfully submitted,

ARTHUR J. LACY,
Chairman.

EXHIBIT A.

A BILL to provide for the appointment of a commission to prepare and report bills for the revision and consolidation of the general laws of this state relating to domestic relations, corporations, highways, real property, and other general laws and to prescribe their duties and provide their compensation.

The People of the State of Michigan Enact:

Section 1. That it shall be the duty of the Governor to appoint a commission consisting of three proper and discreet persons, not more of two of whom shall belong to the same political party, whose duty it shall be to prepare separate bills for the consolidation and revision of the general statutes of this state upon the following subjects:

- (a) The law relating to domestic relations;
- (b) The law relating to corporations;
- (c) The law relating to highways;
- (d) The law relating to real property;

and to report the same to the Governor on the completion thereof.

Section 2. The plan and scope of said work shall follow that adopted in the negotiable instruments law, the general tax law, and the general law for the government of municipal corporations, so far as practicable. Said Commissioners shall suggest such omissions, contradictions and other imperfections as may appear to them in the existing statutes so proposed to be revised and consolidated, with recommendations for the amendment thereof, and they shall provide for the repeal of the statutes which would be superseded or covered by the several general statutes so reported by said commissioners. Said Commissioners may also prepare and report to the Governor, separate bills for the consolidation and revision, in like manner, of such other general statutes of this state, as such commissioners may consider most in need of consolidation and revision.

Section 3. In case of the death, refusal or inability to act of any member of said commission before its labors are completed, the Governor shall appoint some suitable person to fill the vacancy.

Section 4. Upon said bills being so reported, it shall be the duty of the Governor to cause the same to be printed by the State Printer, and forward to any person within the state applying therefor a copy thereof, and submit the same to the Legislature, if then in session, and if not, then at the next general or extra session thereof.

Section 5. After the submission of said several bills to the Legislature, the members of said commission shall be entitled to a hearing before the committee or committees of the Legislature to whom said bills may be respectively referred, for the purpose of explaining the provisions of said several bills.

Section 6. The members of said commission shall receive reasonable compensation for services and expenses, to be fixed and allowed by the State Board of Auditors. Such commissioners may employ a stenographer at a compensation to be approved and allowed by the State Board of Auditors.

REPORT OF COMMITTEE ON GRIEVANCES.

To the Michigan State Bar Association:

Gentlemen—The Committee on Grievances beg leave to report that the only matter referred to the Committee during the past year has been a charge made against a member of the Bar in the Lower Peninsula of misappropriating funds collected for a client. The Committee has the matter under investigation, and if satisfied that the charges in question are well based, will either institute proceedings for disbarment, or take other appropriate action in the near future.

Respectfully submitted,

A. E. MILLER,
Chairman.

REPORT OF COMMITTEE ON MEMBERSHIP.

To the Officers and Members of

The Michigan State Bar Association.

Gentlemen:

Your Committee on Membership begs leave to report that it has had presented to it 41 applications for membership and it has favorably passed upon all such applicants.

The list of new members will be found enumerated in the Secretary's Report.

JESSE ARTHUR,
WM. J. LANDMAN,
HAL H. SMITH,
Committee.

REPORT OF THE HISTORICAL COMMITTEE

The Secretary, acting as the Historical Committee, herewith appends a brief biographical sketch of the members of the Association who have died during the past year.

THOMAS L. CHADBOURNE.

Thomas L. Chadbourne, of Houghton, Michigan, was born at Eastport, Maine, in 1841. He graduated from Harvard College with the degree of A. B. He married Miss Georgiana Kay and the following named children survive him: Mrs. E. W. Denton; Thomas L. Chadbourne, Jr., New York; Wallace A. Chadbourne, New York; H. W. Chadbourne, New York; Mrs. R. B. Haskins, Houghton, and A. S. Chadbourne, of Houghton. Mr. Chadbourne never held public office. He died at West Palm Beach, Florida, April 18th, 1911.

WILLIAM D. FOX.

William D. Fox was born May 23rd, 1861, in the city of Grand Rapids, Michigan, and educated in the public schools. He was married in Detroit, on February 5th, 1897, to Miss Susan Howe, and the following children survive him: Dudley A. and Helen Virginia Fox. Mr. Fox was at one time Deputy County Treasurer of Wayne County, but in later years he was engaged in banking business and professional work. He enjoyed a very extensive law practice with German clients. Mr. Fox died at Detroit, May 1st, 1911.

LEWIS G. PALMER.

Circuit Judge Lewis G. Palmer, of Big Rapids, died at his home in that city, January 4th, 1911. Judge Palmer was born in Herkimer County, New York, September 17th, 1851. He received his early education in the public schools of Detroit and Big Rapids, and the Michigan Agricultural College. On November 12th, 1874, at Ravenna, Muskegon County, he married Miss Una Rice, who, with the following named children, survive him: Una, Mary and Frank R. Judge Palmer held many public offices, among them being County Superintendent of Schools, Prosecuting Attorney, United States District Attorney, and Circuit Judge of the Michigan 27th Judicial District.

EDWIN S. PRATT.

Edwin S. Pratt, of Traverse City, Michigan, was born in Deerfield, Livingston County, Michigan, April 23, 1844. He graduated from the University of Michigan, in 1866, with the degree of L. L. B. On August 13th, 1868, he married Miss Ada K. Sprague, at Traverse City, and the following children survive him: Louis A. Pratt, of Detroit; Mrs. Winifred E. White, and E. Sprague Pratt of Traverse City. Mr. Pratt died at "Hillcrest", his home, in Traverse City, June 5, 1911.

EUGENE PRINGLE.

Eugene Pringle, of Jackson, was born at the village of Richland, Otsego County, New York, December 1st, 1826. He was educated in the district schools, Mayville Academy and in a classical school at Batavia, N. Y. In 1849 he was admitted to the bar at Batavia.

In 1850 he came to Jackson, Mich. He has been successively Circuit Court Commissioner, Village Recorder, Prosecuting Attorney, City Attorney, Member of the Legislature of 1860, Secretary to Governor Blair, State Senator in 1866, Commissioner of Insurance in 1883, and Mayor of Jackson in 1885. Mr. Pringle was married, in Marshall, September 6, 1855, to Miss Frances A. Becker, who with two daughters, Mrs. Jessie Harmon and Miss Fannie Pringle, survive him. Mr. Pringle died at Jackson, June 15, 1908.

JOHN C. SHAW.

John C. Shaw, of Detroit, was born at Simcoe, Ontario, March 17th, 1863. He was a graduate of the University of Michigan, securing the degree of L. L. B. On September 30th, 1890, he married Miss Marie F. Scranton, of Sault Ste. Marie, who, with their two sons, survive him. The children are: John Scranton Shaw and Phillip Martin Shaw. Mr. Shaw was a noted admiralty lawyer. He died at Denver, Colorado, January 23rd, 1911.

GUY JOSEPH WICKSALL.

Guy J. Wicksall, of South Haven, Michigan, was born at Paw Paw, August 19th, 1872. He was a graduate of the University of Michigan, receiving the degree of L. L. B. from that institution in 1895. In December, 1900, he married Miss Juliette McCarthy, who, with their two children, survive him. The children's names are Marion and Robert. Mr. Wicksall was a member of the Constitutional Convention of 1907. He died at South Haven, December 23rd, 1910.

REPORT OF SECRETARY FOR 1911

To the Officers and Members of
The Michigan State Bar Association.
Gentlemen:

Your Secretary has been so busy making preparations for this meeting that he has not had time to make an elaborate report. He has collected membership dues, remitting them to the Treasurer; looked after the Christianity Memorial collections; acted as a member of the Committee on Membership; has secured or will secure short biographical sketches of the members of the Association who have died during the past year, for the purpose of publishing these sketches in our printed proceedings, and has carried on the general correspondence of the Association.

Below is a summary of the finances, and membership of the Association:

DUES.

Debit.	
By dues collected from members, 1910-11.....	\$938 00
Credit.	
To paid Hon. Wm. E. Brown, Treasurer, 1910-11.....	798 00
Balance in hands of Secretary.....	\$140 00

MEMBERSHIP.

Members at date of last report.....	649
Members who have died since last meeting.....	7
Members who have removed from State, withdrawn or been dropped since last meeting	12
	— 19
	630
New members 1910-11.....	41
Total present membership.....	671

The following named members have died since the last meeting of the Association, since July 26-27, 1910, namely:

T. L. Chadbourne, Houghton, April 19, 1911.
Wm. D. Fox, Detroit, May 1, 1911.
Judge L. G. Palmer, Big Rapids, January 4, 1911.
Edwin S. Pratt, Traverse City, June 5, 1911.
Eugene Pringle, Jackson, June 15, 1908.
John C. Shaw, Detroit, January 23, 1911.
Guy J. Wicksall, South Haven, December 23, 1910.

The following named members have either removed from the State or have withdrawn from membership:

John Q. Adams, Negaunee.
E. S. Black, Marine City.
Russell M. Chase, Paw Paw.
Harlow A. Clark, Marquette.
Albert Crane, Grand Rapids.
Harold H. Emmons, Detroit.
Norman W. Haire, Houghton.
Hobart B. Hoyt, Detroit.
Harry E. Hunt, Detroit.
Geo. L. Nadollock, Detroit.
Harry H. Partlow, Grand Lodge.
Chas. W. Stratton, St. Joseph.

The following named new members have been elected since the last report:

Allen, Maxwell B., Battle Creek, May 29, 1911.
Bailey, John W., Battle Creek, May 29, 1911.
Beck, Ira A., Battle Creek, May 29, 1911.
Bowler, Jos. F., Clare, July 6, 1911.
Buchanan, Claude R., Grand Rapids, July 6, 1911.
Burke, Geo. B., Ann Arbor, June 29, 1911.
Cyrowski, August, Detroit, June 23, 1911.
Fales, Ira, Midland, June 30, 1911.
Ford, Albert N., Battle Creek, June 29, 1911.
Gilbert, Farm C., Traverse City, June 29, 1911.

Grant, Geo., Saginaw, July 6, 1911.
Hatch, J. W., Marshall, May 31, 1911.
Hinds, Albert V., Shelby, June 29, 1911.
Hooper, Joseph L., Battle Creek, June 29, 1911.
Jacobs, Henry F., Battle Creek, June 8, 1911.
Kline, Walter D., Battle Creek, June 29, 1911.
Knowlton, Jerome C., Ann Arbor, July 6, 1911.
Lewis, Edwin C., Battle Creek, July 6, 1911.
Ludlum, Roy M., Battle Creek, June 22, 1911.
McKenzie, Chas. F., Battle Creek, June 29, 1911.
MacPhail, Leland S., Manistee, June 29, 1911.
Mechem, Geo. D., Battle Creek, May 29, 1911.
Molnet, Edward J., St. Johns, June 29, 1911.
Onen, B. J., Battle Creek, July 6, 1911.
Palithorp, C. J., Petoskey, June 29, 1911.
Rice, Cyrus W., Grand Rapids, June 26, 1911.
Sabin, Leland H., Battle Creek, June 6, 1911.
Schiappacasse, Joseph T., Detroit, June 28, 1911.
Stanton, Jay J., Sturgis, June 29, 1911.
Stevens, Mark W., Flint, June 29, 1911.
Temple, Charles E., Grand Rapids, June 29, 1911.
Thomas, Charles E., Battle Creek, June 29, 1911.
Thompson, Chas. D., Bad Axe, June 29, 1911.
Travis, DeHull N., Flint, June 29, 1911.
VanAken, Homer G., Battle Creek, May 29, 1911.
Weadock, B. F., Detroit, July 6, 1911.
Weadock, Geo. L., Saginaw, July 6, 1911.
Weadock, J. V., Saginaw, July 6, 1911.
Weadock, Geo. W., Saginaw, July 6, 1911.
Weadock, Jerome C., Saginaw, July 6, 1911.
West, Robert J., Deckerville, June 28, 1911.
Windsor, Herbert E., Marshall, May 26, 1911.

WM. J. LANDMAN, Secretary.

REPORT OF TREASURER FOR 1911

William E. Brown, Treasurer, in Account with The Michigan State Bar Ass'n.

		Dr.	
1910.			
July	26.	To Amount on Hand.....	\$ 679 90
Aug.	16.	To Dues from Secretary.....	68 00
Oct.	18.	To Dues from Secretary.....	68 00
1911.			
Jan.	24.	To Dues from Secretary.....	22 00
Feb.	6.	To Dues from Secretary.....	64 00
Feb.	6.	To Dues from Secretary.....	320 00
May	9.	To Dues from Secretary.....	128 00
May	19.	To Dues from Secretary.....	128 00
Total.....			\$1,477 90

Cr. by Disbursements.

1910.			
Aug.	2.	By Ck. and Voucher No. 45, T. C. Bergerson.....	\$ 61 50
Aug.	2.	By Ck. and Voucher No. 46, Pioneer Motor Co....	1 50
Aug.	2.	By Ck. and Voucher No. 47, Frank Trombley.....	11 00
Aug.	2.	By Ck. and Voucher No. 48, West Mich Ptg. Co....	9 00
Aug.	2.	By Ck. and Voucher No. 49, A. E. Miller.....	3 05
Aug.	2.	By Ck. and Voucher No. 50, T. M. Sorenson.....	5 00
Aug.	2.	By Ck. and Voucher No. 51, Mining Journal Co....	6 50
Aug.	2.	By Ck. and Voucher No. 52, H. A. Lockwood.....	5 75
Aug.	6.	By Ck. and Voucher No. 52a, W. J. Landman.....	136 90
Aug.	6.	By Ck. and Voucher No. 52b, Henry Ockstadt....	3 50
Aug.	15.	By Ck. and Voucher No. 53, W. J. Landman.....	1 51
Aug.	15.	By Ck. and Voucher No. 54, W. U. Tel. Co.....	8 49
Aug.	22.	By Ck. and Voucher No. 55, The Hensen Ptg. Co. .	3 50
Sept.	19.	By Ck. and Voucher No. 56, The Hensen Ptg. Co. .	3 75
Oct.	14.	By Ck. and Voucher No. 57, The Hensen Ptg. Co. .	263 45
Oct.	20.	By Ck. and Voucher No. 58, W. J. Landman.....	49 40
Dec.	5.	By Ck. and Voucher No. 59, W. J. Landman.....	13 77
1911.			
Jan.	18.	By Ck. and Voucher No. 60, W. J. Landman.....	122 09
Jan.	18.	By Ck. and Voucher No. 61, West Mich. Ptg. Co. .	2 50
Feb.	6.	By Ck. and Voucher No. 62, West Mich. Ptg. Co. .	2 00
April	24.	By Ck. and Voucher No. 63, Louise R. Taylor....	10 18
April	24.	By Ck. and Voucher No. 64, West Mich. Ptg. Co. .	5 25
April	24.	By Ck. and Voucher No. 65, The Hensen Ptg. Co. .	3 75
May	25.	By Ck. and Voucher No. 66, W. J. Landman.....	38 90
May	25.	By Ck. and Voucher No. 67, West Mich. Ptg. Co. .	9 75
July	6.	Balance on Hand.....	695 91
Total.....			\$1,477 90

WM. E. BROWN, Treasurer.

To the Officers and Members of
the Michigan State Bar Association:

We have carefully examined the reports of the Treasurer and Secretary and find such reports correct and the funds mentioned in such reports accounted for as therein stated.

B. J. ONEN,
WM. K. CLUTE,
J. J. CARTON,
Auditing Committee.

21st ANNUAL BANQUET

OF

THE MICHIGAN STATE BAR ASSOCIATION

MENU

MANHATTAN COCKTAIL	Cream of Celery in Cups		
	Celery	Radishes	Olives
APOLLINARIS	Fresh Lobster, a la Newburg in Cases		
	Salted Almonds	Sliced Cucumbers	
	Braised Sweetbreads, Jardiniere		
	French Peas		
	Roast Stuffed Squab, with Grape Jelly		
	Asparagus	New Potatoes	String Beans
	Punch, Creme de Menthe		
CHAMPAGNE	Whole Tomato, Mayonnaise		
	Long Island Wafers		
	Neapolitan Ice Cream		
	Assorted Cake		
BENEDICTINE	Roquefort Cheese		
	Cafe Noir	Crackers	
		Cigars	

TOASTS

HON. BURRITT HAMILTON,	
President Calhoun County Bar Association,	
Toastmaster.	
THE SUPREME COURT.....	Hon. Joseph B. Moore
(Justice, Michigan Supreme Court.)	
REMARKS.....	Hon. George W. Wickersham
(Attorney-General of the United States.)	
RECIPROCITY.....	Hon. Charles E. Townsend
(United States Senator, Michigan.)	
RECIPROCITY.....	Hon. Henry C. Smith
(Ex-Congressman, Michigan.)	
IDEALS OF A YOUNG PRACTITIONER.....	
.....Hon. Joseph F. Bowler, Clare	
REMARKS.....	Hon. Robert M. Montgomery
(Presiding Judge, Court of Custom Appeals.)	
REMARKS.....	Prof. Jerome C. Knowlton
(Professor Law Department, University of Michigan.)	
REMARKS.....	Hon. Arthur C. Dennison
(Judge United States Circuit Court of Appeals.)	

**CONSTITUTION
BY-LAWS
OFFICERS
COMMITTEES
MEMBERS
DECEASED MEMBERS**

CONSTITUTION

ARTICLE I.—NAME.

The name of this Association shall be : "THE MICHIGAN STATE BAR ASSOCIATION."

ARTICLE II.—OBJECTS.

The objects of this Association shall be : To maintain the honor and dignity of the profession of the law ; to increase its usefulness in promoting the due administration of justice ; and to cultivate social intercourse among its members.

ARTICLE III.—MEMBERSHIP.

Section 1. Members of the bar of Michigan in good standing and authorized to practice in the courts of Michigan, and Judges of the United States Circuit and District Courts of Michigan, may become members of this Association.

Sec. 2. Each application for admission to membership must be endorsed by a member of the Association and sent to the Secretary. The Secretary shall submit applications to the Committee on Membership, which shall have full power to admit to membership.

Sec. 3. The annual dues shall be Two (\$2.00) Dollars, payable to the Treasurer on the first day of January of each year. The Secretary shall, by mail, request payment of such dues. Members in arrears for one year after such request, shall cease to be members without further action of the Association (as amended June 8th, 1904.)

ARTICLE V.—OFFICERS AND THEIR DUTIES.

Section 1. The officers of the Association shall be a President, Vice President, Secretary, Treasurer and Board of Directors, of fifteen members. (As amended June 6, 1894.)

Sec. 2. The President shall act as Chairman of the Board of Directors, prepare an annual address, audit all bills and perform the duties usually incident to the office of President. In the event of his inability to perform the duties of the office, they shall devolve upon the Vice President.

Sec. 3. The Secretary shall act as Secretary of the Board of Directors, shall prepare an annual report and perform the duties usually incident to the office of Secretary. The Secretary shall keep a full and complete record of the proceedings of the annual convention, and shall from time to time arrange same in such order that they may be bound and preserved. (As amended June 19th, 1903.)

Sec. 4. The Treasurer shall prepare an annual report, and shall perform the duties usually incident to the office of Treasurer. His accounts shall be audited by a committee appointed by the President. The Treasurer shall also be required to furnish a bond in such amount as the Board of Directors may direct. (As amended June 19th, 1903.)

Sec. 5. The Board of Directors shall consist of the President, Vice President, Secretary and twelve other members elected by the Association, one from each congressional district of the State. It shall prepare the program for the annual meeting. It shall have the entire management of the affairs of the Association subject to the Constitution and By-Laws. (As amended June 6, 1894.)

ARTICLE V.—PLACE OF MEETING.

The Association shall at each convention determine the place of meeting for the next year. In event of its failure to do so, such place of meeting shall be determined by the Board of Directors. (As amended June 19th, 1903.)

ARTICLE VI.—AMENDMENTS.

This Constitution may be amended by a three-fourths (3-4) vote of the members present at any annual meeting.

BY-LAWS

L

STANDING COMMITTEES.

(As amended June 8th, 1904.)

There shall be the following Standing Committees of the Association, to be appointed by the President.

1. Executive, of three members.
2. Legislation and Law Reform, of five members.
3. Legal Education and Admission to the Bar, of five members.
4. Grievances, of five members.
5. Membership, of three members.
6. Historical, of five members.

(The first committee shall be appointed from the place where the annual meeting is to be held.)

1. **EXECUTIVE COMMITTEE.** It shall be the duty of this Committee, in conjunction with the President, to have the general charge of the affairs of the Association. They shall meet from time to time, as it may be deemed necessary by the Chairman, to determine upon the policy of the Association; the programme for its annual convention; the arrangements for said convention, and to prepare and submit at the meetings of the Association, resolutions and suggestions relative to the general welfare of the Association. This Committee shall have such general powers and duties as is now possessed by the Board of Directors, but shall be entitled to assume the duties of the Board of Directors only when such Board has failed to meet and take any action. (As amended June 19th, 1903.)

2. **COMMITTEE OF LEGISLATION AND LAW REFORM.** It shall be the duty of the Committee on Legislation and Law Reform:

(a) To procure, after the time has expired for the introduction of bills at each session of the legislature, copies of all bills introduced which affect in any way the law or its practice in the State; and to ascertain and judge of the need or propriety of such proposed legislation. It shall take such steps as it shall deem necessary and proper to postpone the enactment or accomplish the defeat of any of such measures as they may consider unwise or injurious.

(b) To ascertain and report to the Association such legislation as it may consider necessary to carry into effect the suggestions contained in the reports of committees and papers read at any meeting, and to prepare and present such legislation to the Association in the form of bills or joint resolution appended to its report. It shall present to the Governor and Legislature, in the form of a memorial, such measures as are endorsed and recommended by the Association, and in the name of the Association shall take such steps as may be proper to insure the enactment of such bills and joint resolutions.

(c) To observe the working of the judicial system of the State, collect information, examine projects for changes or reforms in the system, and recommend to the Association such action as it may deem expedient.

(d) To cause information to be given, between September 1 and November 1 of each year, through the public press or otherwise, that it at all time invites suggestions, formulated in writing, as to changes in the law relating to the administration of justice, which suggestions shall be mailed and addressed to the Secretary of the Association and endorsed "For the Committee on Legislation and Law Reform."

3. **COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO THE BAR.** It shall be the duty of the Committee on Legal Education and Admission to the Bar to take into consideration the subject of legal education and other requisites for admission to the bar, and to recommend to the Association such changes as it may deem necessary to propose in the laws, system and mode of legal education and of admission to the practice of the law in the State.

4. **COMMITTEE ON GRIEVANCES.** It shall be the duty of the Committee to receive and investigate all charges or misconduct justifying suspension, or disbarment, which may be made to it by responsible parties against any attorney of the State. If, upon investigation, probable cause to believe the charges to be true is found to exist, the committee shall cause proceedings to be taken to procure the disbarment of such attorney. The committee shall also investigate such other grievances affecting the profession of the law as may be brought to its attention, and recommend to this Association a remedy therefor.

5. **COMMITTEE ON MEMBERSHIP.** It shall be the duty of this committee to pass upon applications, and it shall have power to admit. (As amended August 12, 1902.)

6. **HISTORICAL COMMITTEE.** It shall be the duty of the Historical Committee to have in charge the preparation and presentation of such papers of a biographical and historical value as relates to the history of the administration of justice in Michigan.

II.

ORDER OF BUSINESS.

(As amended June 8, 1904.)

The order of business at the annual meeting shall be as follows:

- (a) Reading of Minutes of Preceding Meeting.
- (b) Address of the President.
- (c) Report of the Secretary.
- (d) Report of the Treasurer.
- (e) Report of the Board of Directors.
- (f) Report of the Committee on Legislation and Law Reform.
- (g) Report of the Committee on Legal Education and Admission to the Bar.
- (h) Miscellaneous Business.
- (i) Election of Officers.
- (j) Reports of Special Committees.

III.

(The By-Laws were amended by striking out By-Law III., which designated the Michigan Law Journal as the official organ of the Association. The Detroit Legal News is now the official organ of the Association.) All addresses and papers read at the annual meeting shall be lodged with the Secretary.

IV.

AMENDMENT.

These By-Laws may be amended by a majority vote of the members present at any meeting.

V.

The officers and committees of this Association shall be entitled to have paid, from the funds of the Association, their actual expenses incurred in the performance of their respective duties. (Added May 29, 1901.)

OFFICERS AND COMMITTEES

FOR 1911-12

OFFICERS

President.....Arch B. Eldredge, Marquette
Vice President.....Watts S. Humphrey, Saginaw
Secretary.....Wm. J. Landman, Grand Rapids
Treasurer.....Wm. E. Brown, Lapeer

BOARD OF DIRECTORS.

First Congressional District.....T. A. E. Weadock, Detroit
Second Congressional District.....Judge James A. Parkinson, Jackson
Third Congressional District.....Leland H. Sabin, Battle Creek
Fourth Congressional District.....W. W. Potter, Hastings
Fifth Congressional District.....Wm. K. Clute, Grand Rapids
Sixth Congressional District.....Judge Howard Wiest, Lansing
Seventh Congressional District.....Lincoln Avery, Port Huron
Eighth Congressional District.....Wm. M. Smith, St. Johns
Ninth Congressional District.....John Q. Ross, Muskegon
Tenth Congressional District.....Chas. W. Hitchcock, Bay City
Eleventh Congressional District.....Judge Peter F. Dodds, Mt. Pleasant
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Anderson, David.....	Paw Paw
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Anneke, Edward E.....	Bay City
Antisdel, John P., Union Trust Bldg.....	Detroit
Arthur, Jesse.....	Battle Creek
Avery, Lincoln.....	Port Huron

B

Backus, Ella M., Government Bldg.....	Grand Rapids
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Badgely, Clyde.....	Jackson
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Baillie, Thos.....	Saginaw
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Ball, Jas. E.....	Marquette
Bancker, Enoch.....	Jackson
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Bates, Henry M.....	Ann Arbor
Beach, Emmet L.....	Saginaw
Beaumont, John W., 1124 Ford Bldg.....	Detroit
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Beckwith, L. G.....	Bay City
Beicher, Charles N.....	Manistee
Beiden, Wm. P.....	Ishpeming
Bell, Frank A.....	Negaunee
Benjamin, Maxwell W.....	Cheboygan
Bennett, A.....	Adrian
Berg, Fred H.....	Ishpeming
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Bissell, John H., 80 Griswold St.....	Detroit
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Bodman, Henry E., Union Trust Bldg.....	Detroit
Boltwood, Lucius, Michigan Trust Co. Bldg.....	Grand Rapids
Bope, Wm. T.....	Bad Axe
Boudeman, Dallas.....	Kalamazoo
Bowen, Herbert, Moffat Bldg.....	Detroit
Bowler, Jos. F.....	Clare
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Boyd, J. L.....	Kalkaska
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Briggs, Henry C.....	Kalamazoo
Brooks, Edward L.....	Fremont
Brooks, Melville D.....	Saginaw
Brooks, Walter H.....	Grand Rapids
Broomfield, Archibald.....	Big Rapids
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Brown, J. Barie.....	St. Johns
Brown, Wm. E.....	Lapeer
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Bundy, McGeorge, Michigan Trust Co. Bldg.....	Grand Rapids
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Bunting, A. F.....	Detroit
Burke, George J.....	Ann Arbor
Burritt, W. A.....	Hancock
Bush, Matthew.....	Corunna
Butler, Jefferson, Ford Bldg.....	Detroit
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Butterfield, Roger C., Michigan Trust Co. Bldg.....	Grand Rapids
Butterfield, R. W., Michigan Trust Co. Bldg.....	Grand Rapids
Butzel, Henry M., 511 Union Trust Bldg.....	Detroit
Byers, I. W.....	Iron River

C

Cady, Alvah P.....	Benton Harbor
Cahill, Edward.....	Lansing
Campau, Francis D., Michigan Trust Co. Bldg.....	Grand Rapids
Campbell, Arthur D., Penobscot Bldg.....	Detroit
Campbell, Chas. H., Union Trust Bldg.....	Detroit
Campbell, Colin P., Widdicombe Bldg.....	Grand Rapids
Campbell, Henry M., Union Trust Bldg.....	Detroit
Campbell, Jas. H., Michigan Trust Co. Bldg.....	Grand Rapids
Canfield, F. H., Moffat Bldg.....	Detroit
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Carpenter, Eugene.....	Grand Rapids
Carpenter, Wm. L.....	Detroit
Carpenter, Wm.....	Muskegon
Carton, John J.....	Flint
Cassidy, Daniel P., Moffat Bldg.....	Detroit
Cavanaugh, H. W.....	Homer
Cavanaugh, M. J.....	Ann Arbor
Cavanaugh, Thos. J.....	Paw Paw
Chaddock, C. J.....	Muskegon
Chamberlain, Robt. M., Moffat Bldg.....	Detroit
Champion, Chas. U.....	Coldwater
Chandler, A. L.....	Owosso
Chandler, Bert D.....	Hudson
Chandler, J. E.....	South Haven
Chappell, Fred L.....	Kalamazoo
Chase, Henry E.....	Lansing
Choate, Ward N., Majestic Bldg.....	Detroit
Clapperton, Geo., Michigan Trust Co. Bldg.....	Grand Rapids
Clark, Clarence D.....	Northville
Clark, E. S.....	Bay City
Clark, Geo. W.....	Bad Axe
Clark, Herbert R.....	Adrian
Clark, Joseph H., Hammond Bldg.....	Detroit
Clark, Levert, Buhl Block.....	Detroit
Clute, Wm. K., Michigan Trust Co. Bldg.....	Grand Rapids
Cobb, Geo. P.....	Bay City
Cobb, W. S.....	Jackson
Codd, Geo. P.....	Detroit
Colgrove, P. T.....	Hastings
Collins, Chester L.....	Bay City
Collins, L. H., Buhl Block.....	Detroit
Collins, W. A.....	West Bay City
Cook, Frank C., Majestic Bldg.....	Detroit
Cook, Geo. W.....	Flint
Cook, H. T.....	South Haven
Cooley, Edgar A.....	Bay City
Coolidge, Orville W.....	Niles
Corgan, Harry.....	Hancock
Corwin, Benn. M., Houseman Bldg.....	Grand Rapids
Couch, John A., Aqueduct Bldg.....	Rochester, N. Y.
Cover, Arthur E., 48 Detroit Opera House Block.....	Detroit
Cowles, Israel T., Union Trust Bldg.....	Detroit
Crane, R. F.....	Saginaw
Crane, Wm. E.....	Saginaw, W. S.
Creswell, Harry L., Houseman Bldg.....	Grand Rapids
Crocker, Martin.....	Mt. Clemens
Crosby, Jesse B.....	Vicksburg
Crosby, Frank N., Union Trust Bldg.....	Detroit
Cross, Chas. B.....	Muskegon
Culver, Adelbert.....	Albion

Cummins, Alva M.	Lansing
Cummins, Geo. J.	Harrison
Cuminskey, John	Escanaba
Cyrowski, August, 895 Russell Street	Detroit

D

Danaher, M. B.	Ludington
Davis, E. M.	Ionia
Davis, F. D. M.	Ionia
Davis, Geo. W.	Saginaw
Davis, H. C.	Traverse City
Davitt, James H.	Saginaw
Dawson, Wm.	Sandusky
Day, A. G.	Newaygo
DeLand, Chas. J.	Jackson
Denby, Edwin, 416 Moffat Bldg.	Detroit
Denison, Arthur C., Government Bldg.	Grand Rapids
Dennison, Edward J.	Marshall
DeWaele, Charles L.	Rosecommon
Dickinson, Don M., 521 Jefferson Ave.	Detroit
Dickinson, J. G., Newberry Bldg.	Detroit
Diekema, G. J.	Holland
Dodds, Francis H.	Mt. Pleasant
Dodds, Peter F.	Mt. Pleasant
Dodge, Frank L.	Lansing
Doetsch, Felix A., Hammond Bldg.	Detroit
Donnelly, James	Bay City
Donnelly, John C., Moffat Bldg.	Detroit
Doran, Peter, Fourth National Bank Building	Grand Rapids
Douglas, Samuel T., Moffat Bldg.	Detroit
Dumfeld, Bethune, Union Trust Bldg.	Detroit
Dumfeld, Henry M., Union Trust Bldg.	Detroit
Duffy, James E.	Bay City
Duffy, John L.	Ann Arbor
Dunham, M. L., Widdicomb Bldg.	Grand Rapids
Dunnebacke, Jos. H.	Lansing
Durand, C. A.	Flint
Durand, L. T.	Saginaw
Durfee, Edgar O., Probate Court	Detroit

E

Earl, Otis A.	Kalamazoo
Edgerton, J. M.	Negaunee
Eldredge, A. B.	Marquette
Ellis, A. A., Houseman Bldg.	Grand Rapids
Engle, Seth E., Whitney Bldg.	Detroit

F

Fales, Ira	Midland
Farr, George A.	Grand Haven
Farr, Geo. A., Jr.	Grand Haven
Fellows, Grant	Hudson
Finnegan, J. T.	Hancock
Finney, J. W., Peninsular Bank Bldg.	Detroit
Fitzpatrick, W. G., Whitney Bldg.	Detroit
Flannigan, R. C.	Norway
Flowers, Charles, Hammond Bldg.	Detroit
Ford, Albert N.	Battle Creek
Foster, Charles W.	Lansing
Foster, Isaac	Gladwin
Foster, Walter S.	Lansing
Fowler, Frank L., 1444 First National Bank Bldg.	Chicago
Fowler, George B., Hammond Bldg.	Detroit
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Free, A. L.	Paw Paw
Freeland, Homer H.	Grand Rapids
Freeman, A. F.	Ann Arbor
Freeman, F. M.	Manchester
Freeman, Henry B.	Munising

G

Gaffney, F. O.	Cadillac
Gage, Wm. G.	Saginaw
Galbraith, Wm. J.	Calumet
Gardner, Henry M.	Lansing
Gardner, L. B.	Lansing

Gates, Jasper C., McGraw Bldg.....	Detroit
Gilbert, Farm C.....	Traverse City
Gillett, H. M.....	Bay City
Gillett, W. J., Board of Trade Bldg.....	Grand Rapids
Gleason, Clark H., Powers' Opera House Bldg.....	Grand Rapids
Goff, John H., Union Trust Bldg.....	Detroit
Golden, C. A.....	Monroe
Gordon, Wm. D.....	Midland
Gore, Victor M.....	Benton Harbor
Grace, William C.....	Kalamazoo
Grant, C. B.....	Detroit
Grant, Geo.....	Saginaw
Graves, Frank P.....	St. Joseph
Graves, Henry B., Hammond Bldg.....	Detroit
Gray, Robt. T., Ford Bldg.....	Detroit
Gray, Wm. J., Ford Bldg.....	Detroit
Griswold, N. O.....	Greenville
Groasbeck, A. J., 602 Majestic Bldg.....	Detroit
Guise, Frank P., Moffat Bldg.....	Detroit

H

Hall, A. B., 716 Hammond Bldg.....	Detroit
Hall, Clare J.....	Grand Rapids
Hall, DeVere.....	Bay City
Hambitzer, J. F.....	Houghton
Hamblen, Jos. G., Jr., 904 Union Trust Bldg.....	Detroit
Hamilton, Burritt.....	Battle Creek
Hanchette, Charles D.....	Hancock
Handy, S. T.....	Sault Ste. Marie
Hanson, W. S.....	Hart
Harmon, Henry A., Buhl Block.....	Detroit
Harrington, Leon W., Michigan Trust Co. Bldg.....	Grand Rapids
Harris, J. M.....	Boysie City
Harvey, G. Wm.....	Pontwater
Hatch, Harvey Burright.....	Marquette
Hatch, J. W.....	Marshall
Hatch, Reuben, Widdicombe Bldg.....	Grand Rapids
Hatch, W. B.....	Ypsilanti
Hawkins, Victor.....	Jonesville
Hayden, Asa K.....	Cassopolis
Hayden, Chas. Howe.....	Lansing
Heald, Henry T., Board of Trade Bldg.....	Grand Rapids
Heffernan, J. L.....	Marquette
Heineman, D. E., Moffat Bldg.....	Detroit
Heifman, Harry, Moffat Bldg.....	Detroit
Hemans, Lawton T.....	Mason
Hendee, J. B.....	Eaton Rapids
Hendryx, Coy W.....	Dowagiac
Hess, Frank A., Police Court.....	Grand Rapids
Hewitt, Adolphus E.....	Jackson
Hewitt, John C.....	Bay City
Hext, Chas. F., Fourth National Bank Bldg.....	Grand Rapids
Hicks, Wm. C.....	Benton Harbor
Higbee, Clark E., Houseman Bldg.....	Grand Rapids
Hill, W. S.....	Marquette
Hindman, A. C., Houseman Bldg.....	Grand Rapids
Hinds, Albert W.....	Shelby
Hitchcock, Chas. W.....	Bay City
Hixson, Virgil I.....	Manistique
Hoffman, Henry.....	St. Ignace
Holden, L. C.....	Sault Ste. Marie
Holmes, Clyde J., Houseman Bldg.....	Grand Rapids
Holmes, Glenn W., Houseman Bldg.....	Grand Rapids
Hood, Oscar J.....	Lansing
Hooker, Harry E.....	Lansing
Hooper, Joseph.....	Battle Creek
Hopkins, Chas. C.....	Lansing
Hosmer, Geo. S., Wayne County Bldg.....	Detroit
Hovey, Cyrus A.....	Port Huron
Howard, Harry C.....	Kalamazoo
Hoyt, Wm. E.....	Muskegon
Hudson, Roberts P.....	Sault Ste. Marie
Humphrey, Charles M.....	Ironwood
Humphrey, Leonard T.....	Coldwater
Humphrey, Watts S.....	Saginaw
Hutchins, Harry B.....	Ann Arbor
Hutton, Henry C.....	Ludington
Hyde, Wesley W., Michigan Trust Co. Bldg.....	Grand Rapids

I

Irish, E. M. Kalamazoo

J

Jacobs, Henry F. Battle Creek
 James, Delbert C., Chamber of Commerce. Detroit
 January, W. L., Buhl Block. Detroit
 Jenkins, Frank E. Oxford
 Jenks, W. L. Port Huron
 Jenney, Wm. S. Mt. Clemens
 Jennings, Ira C. Escanaba
 Jewell, Harry D. Grand Rapids
 Jewett, Henry R. Adrian
 Johnston, A. W., Houseman Bldg. Grand Rapids
 Jones, Arthur, Hammond Bldg. Detroit
 Jones, Frank E. Ann Arbor
 Jones, John. Ontonagon
 Jones, Walter C. Marcellus
 Joslin, Theo. M. Adrian
 Joslyn, C. D., Ford Bldg. Detroit
 Joslyn, Lee E. Bay City
 Jurma, A. W. Ishpeming

K

Keating, Frank L. Pellston
 Keena, James T., Penobscot Bldg. Detroit
 Keeney, Willard F., Michigan Trust Co. Bldg. Grand Rapids
 Keiser, A. A. Ludington
 Kellie, Ronald S., Hammond Bldg. Detroit
 Kerr, Angus W. Calumet
 Ketcham, Clyde W. Dowagiac
 Kilaskila, John. Hancock
 Kilbourne, S. L. Lansing
 Kilpatrick, Wm. Owosso
 King, Robt. L. Bay City
 Kingsley, Willard, Houseman Bldg. Grand Rapids
 Kinnane, J. E. Bay City
 Kinnane, Jas. H. Dowagiac
 Kinne, E. D. Ann Arbor
 Kinney, W. L. Marion
 Kinsman, Geo. O. Oxford
 Kirkby, Elmer. Jackson
 Kleinfeld, Frank F. Saginaw
 Kleinhans, Jacob, Michigan Trust Co. Bldg. Grand Rapids
 Kline, Walter D. Battle Creek
 Knappen, F. E. Kalamazoo
 Knappen, Loyal E., Government Bldg. Grand Rapids
 Knappen, Stuart E., Michigan Trust Co. Bldg. Grand Rapids
 Knowles, R. D. Jackson
 Knowlton, Jerome C. Ann Arbor
 Kuhn, Franz C. Mt. Clemens

L

Lacy, A. J., Ford Bldg. Detroit
 Ladd, S. W. Port Huron
 Landman, Wm. J., Houseman Bldg. Grand Rapids
 Landon, Geo. M. Monroe
 Lane, Wm. P., 80 Griswold St. Detroit
 Lane, Victor H. Ann Arbor
 Langley, Jas. P., Majestic Bldg. Detroit
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 Lawton, Eugene W. Lawton
 Lawton, Swaby L. Hancock
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 Lewis, Lynn J. Bangor
 Lewis, Milo. Greenville
 Lightner, Clarence A., Penobscot Bldg. Detroit
 Lockwood, H. A., Ford Bldg. Detroit
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 Loud, Edw. R. Albion
 Love, Charles E., Moffat Bldg. Detroit
 Lucking, Alfred, Moffat Bldg. Detroit

Ludlum, Roy M.....	Battle Creek
Luton, Geo.....	Newaygo
Lyon, Edwin H.....	St. Johns

Mc

McAllister, J. T., Widdicom Bldg.....	Grand Rapids
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McBride, Charles H.....	Holland
McCall, A.....	Ithaca
McCall, R.....	Ithaca
McCarthy, John J.....	Standish
McClellan, John.....	Lansing
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McDonald, Jas. H., Moffat Bldg.....	Detroit
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McHugh, Philip A., Majestic Bldg.....	Detroit
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McKay, John A.....	Saginaw
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McKnight, Wm. F., Wonderly Bldg.....	Grand Rapids
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McNamara, James.....	Detroit
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McPherran, Edgar A.....	Marquette

M

MacDonald, R. J.....	Muskegon
MacDonald, Wm. J.....	Calumet
MacKay, John D., Home Bank Bldg.....	Detroit
MacPhail, Leland P.....	Manistee
Maguire, Arthur D., Hammond Bldg.....	Detroit
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Mallow, Homer R., Congress Hotel Annex.....	Chicago, Ill.
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Marsh, Pliny W., Chamber of Commerce.....	Detroit
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Maynard, Horace S.....	Charlotte
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Michem, George D.....	Battle Creek
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Michener, Earl C.....	Adrian
Miller, A. E.....	Marquette
Miller, Frederick C.....	Mt. Clemens
Miller, Sidney T., Penobscot Bldg.....	Detroit
Mills, Wade, Union Trust Bldg.....	Detroit
Mills, A. J.....	Kalamazoo
Miner, John W.....	Jackson
Moinet, Edward J.....	St. Johns
Monaghan, Geo. F., Majestic Bldg.....	Detroit
Monroe, S. B.....	Kalamazoo
Montgomery, R. M 1120 16th St.....	Washington, D. C.
Montgomery, Stanley D.....	Grand Rapids
Moore, Andrew L.....	Pontiac
Moore, Geo. G., 71 Griswold St.....	Detroit
Moore, Geo. W., Campau Bldg.....	Detroit
Moore, Jos. B.....	Lansing
Moore, Wm. V., Wayne County Savings Bank Bldg.....	Detroit
More, John E., Michigan Trust Co. Bldg.....	Grand Rapids
Morrissey, Francis M.....	Harrison
Morse, A. B.....	Ionia
Moulton, Luther V., Houseman Bldg.....	Grand Rapids
Mulford, Benj. F., Buhl Block.....	Detroit
Murfin, J. O., Moffat Bldg.....	Detroit

N

Naegley, Henry E.....	Saginaw
Newton, Frederick W.....	Saginaw

Nichols, Chas. W.	Lansing
Nichols, Geo. E.	Ionia
Nichols, Jason E.	Lansing
Nichols, M. A., Wonderly Bldg.	Grand Rapids
Norris, Mark, Michigan Trust Co. Bldg.	Grand Rapids
North, Walter H.	Battle Creek
Northrup, LeRoy	Jackson

O

O'Brien, Michael	Alpena
O'Brien, P. H.	Laurium
O'Brien, Thos. J., Michigan Trust Co. Bldg.	Grand Rapids
O'Brien, M. Hubert	Detroit
O'Connor, Jos. J.	L'Anse
O'Keefe, John F.	Saginaw
Onen, B. J.	Battle Creek
Opsahl, John M.	Menominee
Oren, H. M.	Sault Ste. Marie
Osborn, J. W.	Kalamazoo
Ostrander, Russell C.	Lansing
Ott, Louis, Buhl Block	Detroit
Oxtoby, Jas. V., McGraw Bldg.	Detroit
Overpack, Roy M.	Manistee

P

Paddock, Lewis H., Penobscot Bldg.	Detroit
Pagelson, D. F.	Grand Haven
Pallthorp, C. J.	Petoskey
Paine, DeForest, Penobscot Bldg.	Detroit
Palmer, L. C.	Stanton
Parker, Jas. S.	Flint
Parker, R. A., 12 Hodges Bldg.	Detroit
Parkinson, J. A.	Jackson
Patterson, John H.	Pontiac
Pealer, Russell R.	Three Rivers
Pearl, Benjamin O.	Marquette
Pendleton, E. W., Penobscot Bldg.	Detroit
Perkins, Cyrus E., Michigan Trust Co. Bldg.	Grand Rapids
Perkins, Willis B., Court House	Grand Rapids
Perry, C. W.	Clare
Perry, Milton M.	Lowell
Persson, Rollin H.	Lansing
Persson, Seymour H.	Lansing
Peter, James B.	Saginaw
Peters, M. E.	Albion
Peterman, Albert E.	Calumet
Phelan, John	Ludington
Phelps, Earl F., Widdicomb Bldg.	Grand Rapids
Phelps, Ralph, Jr., 82 Griswold St.	Detroit
Porter, Wm. H.	Marshall
Potter, Waldo T.	Ishpeming
Potter, Wm. W.	Hastings
Powers, James M.	Battle Creek
Pratt, Frank S.	Bay City
Pratt, Fred H.	Traverse City
Prentiss, Geo. H., Buhl Block	Detroit
Price, Richard	Jackson
Primeau, Jr., Jos. H.	Marquette
Pryor, Lee H.	Hastings
Purcell, Miles J.	Saginaw

Q

Quinn, Frank Q.	Saginaw
Quinn, John	Harrison
Quinn, T. C.	Caro

R

Rarden, C. L.	Greenville
Rawdin, Edwin	East Tawas
Reasoner, Jas. M.	Lansing
Rees, Allen F.	Houghton
Reilly, C. J., Penobscot Bldg.	Detroit
Rexford, D. C., Buhl Block	Detroit
Rice, Cyrus W., Michigan Trust Co. Bldg.	Grand Rapids
Robbins, John W., 715 18th St.	Detroit

Roberts, Clinton	Flint
Robinson, Deen L.	Houghton
Robson, Frank E., 720 Hammond Bldg.	Detroit
Rockwell, K. P.	Pontiac
Rosenberg, Louis J.	Detroit
Ross, John Q.	Muskegon
Rundell, Warren S.	Flint
Russell, Chas. T.	Mt. Pleasant
Russell, Henry (care M. C. R. R.)	Detroit

S

Sabin, Leland H.	Battle Creek
Sagendorph, D. P.	Jackson
Salliotte, Ignatius J., Moffat Bldg.	Detroit
Savery, Wirt L., Majestic Bldg.	Detroit
Savidge, B. N.	Reed City
Sawyer, Alvah L.	Menominee
Sawyer, E. F.	Cadillac
Scheibner, Charles G., Hammond Bldg.	Detroit
Schiappacasse, Joseph F., 41 Buhl Block.	Detroit
Searle, K. S.	Ithaca
Selling, B. B., Hammond Bldg.	Detroit
Sessions, C. W.	Muskegon
Sharpe, Albert E.	Sault Ste. Marie
Sharpe, Nelson	West Branch
Sheldon, R. S.	Houghton
Shepard, T. F.	Bay City
Shepherd, James F.	Cheboygan
Sherwood, M. J.	Marquette
Shipman, John B.	Coldwater
Shipman, F. C., Union Trust Bldg.	Detroit
Shuster, Anson E.	Ontonagon
Silsbee, Harry A.	Lansing
Sloman, Adolph, Penobscot Bldg.	Detroit
Sloman, Edmund, Penobscot Bldg.	Detroit
Smedley, Chas. O., Houseman Bldg.	Grand Rapids
Smith, Chas. H.	Manilla, P. I.
Smith, Clement	Hastings
Smith, Ernest C.	Kalkaska
Smith, Hal H., Ford Bldg.	Detroit
Smith, Henry C.	Adrian
Smith, James Cosslett, 1130 Penobscot Bldg.	Detroit
Smith, J. M. C.	Charlotte
Smith, Lawrence W.	Ionia
Smith, R. W.	Manistee
Smith, Wallis Craig	Saginaw
Smith, Wm. Alden, Wm. Alden Smith Bldg.	Grand Rapids
Smith, Wm. M.	St. Johns
Snyder, Emil W., Majestic Bldg.	Detroit
Speed, John J., Moffat Bldg.	Detroit
Spencer, James R.	Iron Mountain
Spier, S. B.	Mt. Clemens
Sprague, Wm. C., Majestic Bldg.	Detroit
Stace, Francis A., Michigan Trust Co. Bldg.	Grand Rapids
Standart, Joseph G., Wayne County Savings Bank Bldg.	Detroit
Stanton, Jay J.	Sturgis
St. Clair, John C.	St. Joseph
Stearns, A. M.	Kalamazoo
Steere, J. H.	Sault Ste. Marie
Stein, Christopher, Justice Court.	Detroit
Stellwagen, A. C., Home Bank Bldg.	Detroit
Sterling, John J.	Benton Harbor
Stevens, Mark W.	Flint
Stewart, H. P.	Kalamazoo
Stewart, N. H.	Battle Creek
Stewart, Louis E.	Battle Creek
Stivers, Frank A.	Ann Arbor
Stoddard, E. J., 12 Hodges Bldg.	Detroit
Stone, John W., 223 Genesee St.	Lansing
Stone, Ralph, Detroit Trust Co.	Detroit
Stone, W. S.	Mt. Clemens
Storm, Carl T.	Ann Arbor
Streeter, A. T.	Houghton
Stuart, Wm. J., City Hall	Grand Rapids
Sullivan, Frank P.	Sault Ste. Marie
Sullivan, Jas. E.	Muskegon
Swan, James, McGraw Bldg.	Detroit
Swarthout, Elvin, 633 Michigan Trust Co. Bldg.	Grand Rapids
Sweet, Chas. E.	Dowagiac

T

Tabor, L. A.	Lawton
Taggart, Edward, N. College Ave.	Grand Rapids
Taggart, Ganson, Michigan Trust Co. Bldg.	Grand Rapids
Taylor, Oria B., 18 Butler Bldg.	Detroit
Taylor, Walter R.	Kalamazoo
Temple, Charles E.	Grand Rapids
Tennant, John S.	Edmore
Thayer, Russell B., Eddy Bldg.	Saginaw
Thomas, Charles E.	Battle Creek
Thomas, Harris E.	Lansing
Thompson, B. M.	Ann Arbor
Thompson, Charles D.	Bad Axe
Thompson, Dell H.	Bay City
Thorington, C. C.	Romeo
Thornton, H. A., Michigan Trust Co. Bldg.	Grand Rapids
Titus, Lincoln H.	Paw Paw
Townsend, Chas. E.	Jackson
Travis, DeHull N.	Flint
Travis, Phillip H., Michigan Trust Co. Bldg.	Grand Rapids
Trudell, F. J.	Menominee
Tucker, J. G.	Mt. Clemens
Turner, James, Union Trust Bldg.	Detroit
Turner, Jerome E.	Muskegon
Turner, Willard J.	Muskegon
Tuttle, Arthur J.	Leslie

U

Underwood, M. W.	Traverse City
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V

Van Aken, Homer C.	Battle Creek
Van De Mark, S. O., Moffat Bldg.	Detroit
Vanderwerp, John.	Muskegon
Van Riper, C. M.	Hartford
Van Riper, Jacob J.	Niles
Van Zile, Phillip T., Hammond Bldg.	Detroit

W

Walbridge, H. E.	St. Johns
Walsh, Jos.	Port Huron
Walker, Myron H., Houseman Bldg.	Grand Rapids
Walters, Henry C., Chamber of Commerce Bldg.	Detroit
Ward, M. Thomas, Houseman Bldg.	Grand Rapids
Warner, David A., Michigan Trust Co. Bldg.	Grand Rapids
Warner, Frank R.	Sault Ste. Marie
Warner, Glenn E.	Paw Paw
Warner, Wm. W.	Allegan
Warren, Benj. S., Union Trust Co. Bldg.	Detroit
Warren, Chas. B., Union Trust Bldg.	Detroit
Watkins, Roy M., Probate Court.	Grand Rapids
Watson, Chas. H.	Crystal Falls
Wattles, I. N.	Kalamazoo
Weadock, B. T.	Detroit
Weadock, Geo. L.	Saginaw
Weadock, Geo. W.	Saginaw
Weadock, Jerome C.	Saginaw
Weadock, John C., 7 Wall St.	New York
Weadock, J. V.	Saginaw
Weadock, Thos. A. E., Hammond Bldg.	Detroit
Webster, Clyde I., Majestic Bldg.	Detroit
Webster, Elmer R.	Pontiac
Weeks, M. D.	Albion
Weimer, George V.	Kalamazoo
Wessellus, Sybrant.	Grand Rapids
West, Robert J.	Deckerville
Westerman, W. S.	Jackson
Weston, Frank S.	Kalamazoo
Wetherbee, Wm. H., Penobscot Bldg.	Detroit
Wetmore, Fred C.	Cadillac
Wheeler, Isaac C.	Manton
Wicks, Kirk E., Houseman Bldg.	Grand Rapids
Wiest, Howard.	Lansing
Wilkins, Chas. T., Hammond Bldg.	Detroit
Williams, A. B.	Battle Creek
Williams, W. B.	Lapeer

Wilson, Chas. L.	Saranac
Wilson, Chas. M., Michigan Trust Bldg.	Grand Rapids
Wilson, F. W.	Muskegon
Wilson, Hugh E., Michigan Trust Co. Bldg.	Grand Rapids
Wilson, Thomas A., Union Bank Bldg.	Jackson
Windsor, Herbert E.	Marshall
Wing, C. C.	Ludington
Wixson, Walter S.	Caro
Wolcott, Frank T.	Port Huron
Wolf, Gustave A., Michigan Trust Co. Bldg.	Grand Rapids
Wolfe, Louis H., Union Trust Bldg.	Detroit
Wood, Clark C.	Lansing
Woodruff, Chas. M., 272 E. Grand Boulevard.	Detroit
Woodward, E. A.	Iron Mountain
Worch, Rudolph.	Jackson
Wright, C. A.	Hancock
Wright, John L.	Grand Ledge
Wunsch, Henry, Moffat Bldg.	Detroit
Wykes, Roger I., Michigan Trust Co. Bldg.	Grand Rapids

Y

Yelland, Judd.	Escanaba
Yerkes, Geo. B., Home Bank Bldg.	Detroit
Youdan, J. Claude.	Howard City
Young, H. O.	Ishpeming

Z

Zimmer, John J.	Lansing
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MEMBERS BY CITIES

ADRIAN.

(Lenawee County)

Alexander, W. B.
Baldwin, Clarke E.
Bennett, A.
Clark, Herbert R.
Jewett, Henry R.
Joslin, Theo. M.
Larwill, Harry L.
Michener, Earl C.
Smith, Henry C.

ALBION

(Calhoun County)

Culver, Adelbert
Loud, Edward R.
Peters, M. B.
Weeks, M. D.

ALLEGAN

(Allegan County)

Warner, Wm. W.

ALPENA

(Alpena County)

Frances, James
O'Brien, Michael

ANN ARBOR

(Washtenaw County)

Bates, Henry M.
Brewster, Jas. H.
Bunker, R. E.
Burke, George J.
Cavanaugh, M. J.
Duffy, Jno. L.
Freeman, A. F.
Hutchins, Harry B.
Jones, Frank E.
Kinne, E. D.
Knowlton, Jerome C.
Lane, Victor H.
Stivers, Frank A.
Storm, Carl T.
Thompson, B. M.

BAD AXE

(Huron County)

Bope, Wm. T.
Clark, Geo. W.
Thompson, Charles D.

BANGOR

(Van Buren County)

Lewis, Lynn J.

BATTLE CREEK

(Calhoun County)

Allen, Maxwell B.
Arthur, Jesse
Bailey, John W.
Beck, Ira A.
Ford, Albert N.
Hamilton, Burritt
Hooper, Joseph L.
Jacobs, Henry T.
Kline, Walter D.
Lewis, Edwin C.

Ludlum, Roy M.
McKenzie, Chas. F.
Mechem, George D.
North, Walter H.
Onen, B. J.
Powers, James M.
Sabin, Leland H.
Stewart, H. P.
Stewart, Louis E.
Thomas, Charles E.
Van Aken, Homer C.
Williams, Arthur B.

BAY CITY

(Bay County)

Anneke, Edward E.
Beckwith, L. G.
Clark, E. S.
Cobb, Geo. P.
Collins, Chester L.
Cooley, Edgar A.
Donnelly, Jas.
Duffy, Jas. E.
Gillett, H. M.
Hall, DeVere
Hewitt, Jno. C.
Hitchcock, Chas. W.
Joslyn, Lee E.
King, Robt. L.
Kinnane, J. E.
Pratt, Frank S.
Shepard, T. F.
Thompson, Dell H.

BAY CITY W.

(Bay County)

Collins, W. A.

BENTON HARBOR

(Berrien County)

Cady, Alvah P.
Gore, Victor M.
Hicks, Wm. C.
Sterling, John J.

BIG RAPIDS

(Mecosta County)

Broomfield, Archibald

BOYNE CITY

(Charlevoix County)

Harris, Jas. M.

BUCHANAN

(Berrien County)

CADILLAC

(Wexford County)

Gaffney, F. O.
McIntyre, D. E.
Sawyer, E. T.
Wetmore, Fred C.

CALUMET

(Houghton County)

Galbraith, Wm. J.
Kerr, Angus W.
MacDonald, Wm. J.
McNally, Eugene A.
Peterman, Albert E.

CARO

(Tuscola County)

Quinn, T. C.
Wixson, Walter S.**CASSOPOLIS**

(Cass County)

Hayden, Asa K.

CHARLOTTE

(Eaton County)

Maynard, Horace S.
Smith, J. M. C.**CHEBOYGAN**

(Cheboygan County)

Benjamin, Maxwell W.
Shepherd, James F.**CLARE**

(Clare County)

Bowler, Joseph F.
Perry, C. W.**COLDWATER**

(Branch County)

Barlow, Burt E.
Champion, Chas. U.
Humphrey, Leonard T.
Shipman, Jno. B.**CORUNNA**

(Shiawassee County)

Bush, Matthew
McCurdy, Jno. T.**CRYSTAL FALLS**

(Iron County)

Abbott, Fred H.
Watson, Chas. H.**DECKERVILLE**

(Sanilac County)

West, Robt. J.

DETROIT

(Wayne County)

Anderson, Jno. W., 68 Moffat Bldg.
 Angell, Alexis C., Union Trust Bldg.
 Antisdel, Jno. P., Union Trust Bldg.
 Baker, F. A., 30 Whitney Opera House Bldg.
 Barbour, Levi L., 29 Buhl Bldg.
 Bartlett, Chas. L., 611 Hammond Bldg.
 Bates, Geo. W., 32 Buhl Bldg.
 Beaumont, Jno. W., 1124 Ford Bldg.
 Bigelow, Nelson C., 8 Buhl Bldg.
 Bissell, Jno. H., 80 Griswold St.
 Bodman, Henry E., Union Trust Bldg.
 Bowen, Herbert, Moffat Bldg.
 Boynton, Herbert E., Union Trust Bldg.
 Brown, Bayard T., 60 Buhl Bldg.
 Bulkley, Harry C., Union Trust Bldg.
 Bunting, A. F.
 Butler, Jefferson, Ford Bldg.
 Butterfield, O. E., (care M. C. R. R. Co.)
 Butzel, Henry M., 511 Union Trust Bldg.
 Campbell, Arthur D., Penobscot Bldg.
 Campbell, Chas. H., Union Trust Bldg.
 Campbell, Henry M., 604 Union Trust Bldg.
 Canfield, F. H., Moffat Bldg.
 Carpenter, Wm. L.
 Cassidy, Dan'l P., Moffat Bldg.
 Chamberlain, Robt. M., Moffat Bldg.
 Choate, Ward N.
 Clark, Joseph H., Ford Bldg.
 Clark, Levert, Buhl Bldg.
 Codd, Geo. P., Hammond Bldg.
 Collins, L. H., Buhl Bldg.
 Cook, Frank C., Majestic Bldg.
 Covert, Arthur H., Detroit Opera House Bldg.
 Cowles, Israel T., Union Trust Bldg.
 Crosby, Frank N., Union Trust Bldg.
 Cyrowski, August, 895 Russell St.
 Denby, Edwin, Moffat Bldg.
 Dickinson, Don M., 521 Jefferson Ave.
 Dickinson, J. O., Newberry Bldg.
 Doetsch, Felix A., Hammond Bldg.
 Donnelly, Jno. C., Moffat Bldg.
 Douglas, S. T., Moffat Bldg.
 Duffield, Bethune, Union Trust Bldg.
 Duffield, Henry M., Union Trust Bldg.
 Durfee, Ergar O., Probate Court.
 Engle, Seth E., Whitney Bldg.
 Finney, J. W., Peninsular Bank Bldg.
 Fitzpatrick, W. G., Whitney Bldg.
 Flowers, Chas., 715 Hammond Bldg.
 Fowler, Geo. B., Hammond Bldg.
 Gates, Jasper C., McGraw Bldg.
 Goff, John H., Union Trust Bldg.
 Grant, C. B.
 Graves, Henry B., Hammond Bldg.
 Gray, Robt. T., Ford Bldg.
 Gray, Wm. J., Ford Bldg.
 Groesbeck, A. J., Majestic Bldg.
 Gulise, Frank P., 426 Moffat Bldg.
 Hall, A. B., Hammond Bldg.
 Hamblen, Jos. G., Union Trust Bldg.
 Harmon, Henry A., Buhl Bldg.
 Heinemen, D. E., Moffat Bldg.
 Helfman, Harry, Moffat Bldg.
 Hosmer, Geo. S., Wayne Co. Bldg.
 James, Delbert C., Chamber of Commerce.
 January, Wm. L., Buhl Bldg.
 Jones, Arthur, Hammond Bldg.
 Joslyn, Chas. D., Ford Bldg.
 Keena, Jas. T., Penobscot Bldg.
 Kellie, Ronald, Hammond Bldg.
 Lacy, A. J., Ford Bldg.
 Lane, Wm. P., 80 Griswold St.
 Langley, Jas. P., Majestic Bldg.
 Lightner, Clarence A., Penobscot Bldg.
 Lockwood, Harry A., Ford Bldg.
 Love, Chas. E., Moffat Bldg.
 Lucking, Alfred, Moffat Bldg.
 McCorkle, Wm. F., Ford Bldg.
 McDonald, Chas. S., Hammond Bldg.
 McDonald, Jas. H., Ford Bldg.
 McGregor, Malcolm, Home Bank Bldg.
 McHugh, Philip A., Majestic Bldg.
 McNamara, James.
 Mackay, Jno. D., Home Bank Bldg.
 Maguire, Arthur D., Hammond Bldg.
 Manchester, Wm. C., Buhl Bldg.
 Marsh, Pliny W., Chamber of Commerce.
 Merrissam, S. L., Union Trust Bldg.
 Miller, Sidney T., Penobscot Bldg.
 Millis, Wade, Union Trust Bldg.
 Monaghan, George F., Majestic Bldg.
 Moore, Geo. G., 71 Griswold St.
 Moore, Geo. W., Campau Bldg.
 Moore, Wm. V., Wayne Co. Savings Bank Bldg.
 Mulford, Benj. F., Buhl Bldg.
 Murfin, J. O.
 O'Brien, M. Hubert.
 Ott, Louis, Buhl Bldg.

Oxtoby, Jas. V., McGraw Bldg.
 Paddock, L. H., Penobscot Bldg.
 Paine, DeForest, Penobscot Bldg.
 Parker, R. A., 13 Hodges Bldg.
 Pendleton, E. W., Penobscot Bldg.
 Phelps, Ralph, Jr., 82 Griswold St.
 Prentiss, Geo. H., Buhl Bldg.
 Reilly, C. J., Penobscot Bldg.
 Rexford, D. C., Buhl Bldg.
 Robbins, John W., 715 18th St.
 Robson, Frank E., Hammond Bldg.
 Rosenberg, Louis J.
 Russell, Henry, care M. C. R. R.
 Sallotte, Ignatius J., Moffat Bldg.
 Savery, Wirt I., Majestic Bldg.
 Schneider, Charles G., Hammond Bldg.
 Schlappacas, Joseph T., 41 Buhl Bldg.
 Seiling, B. B., Hammond Bldg.
 Shipman, F. C., Union Trust Bldg.
 Sloman, Adolph, Penobscot Bldg.
 Sloman, Edmund, Penobscot Bldg.
 Smith, Hal H., Hammond Bldg.
 Smith, Jas. Coslett, Penobscot Bldg.
 Snyder, Emil W., Majestic Bldg.
 Speed, Jno., Moffat Bldg.
 Sprague, Wm. C., Majestic Bldg.
 Standart, Joseph G., Wayne County Savings Bank Bldg.
 Stein, Christopher E., Justice Court.
 Stellwagen, A. C., Home Bank Bldg.
 Stoddard, E. J., 12 Hodges Bldg.
 Stone, Ralph, care Detroit Trust Co.
 Swan, Jas., McGraw Bldg.
 Taylor, Oria B., 13 Butler Bldg.
 Turner, James, Union Trust Bldg.
 Van De Mark, S. O., Moffat Bldg.
 Van Zile, Philip T., Hammond Bldg.
 Walters, Henry C., Chamber of Commerce.
 Warren, Benj. S., Union Trust Bldg.
 Warren, Chas. B., Union Trust Bldg.
 Weadock, Bernard T.
 Weadock, Thos. A. E., Hammond Bldg.
 Webster, Clyde I., Majestic Bldg.
 Wetherbee, Wm. H., Penobscot Bldg.
 Wilkins, Chas. T., Hammond Bldg.
 Wolfe, Louis H., Hammond Bldg.
 Woodruff, Chas. M., 272 E. Grand Boulevard.
 Wunsch, Henry, Moffat Bldg.
 Yerkes, Geo. B., Home Bank Bldg.

DOWAGIAC (Cass County)

Hendryx, Coy W.
 Ketcham, C. W.
 Kinnane, James H.
 Sweet, Chas. E.

EAST TAWAS (Iosco County)

Rawden, Edwin

EATON RAPIDS (Eaton County)

Hendee, J. B.

EDMORE (Montcalm County)

Tennant, John S.

ESCANABA (Delta County)

Cuminsky, John
 Jennings, Ira C.
 Mead, F. D.
 Yelland, Judd

EVART (Osceola County)

FLINT (Genesee County)

Aitken, D. D.
 Carton, Jno. J.
 Cook, Geo. W.
 Durand, C. A.
 Lee, Ed. S.
 Parker, Jas. S.
 Roberts, Clinton
 Rundell, Warren S.
 Stevens, Mark W.
 Travis, DeHull.

FREMONT (Newaygo County)

Brooks, Edward L.

GAYLORD (Otsego County)

GLADWIN (Gladwin County)

Foster, Isaac

GRAND HAVEN (Ottawa County)

Farr, Geo. A.
 Farr, Geo. A., Jr.
 Pagelson, Dan F.

GRAND LEDGE (Eaton County)

Alexander, Cassius
 Wright, John L.

GRAND RAPIDS (Kent County)

Backus, Ella M., Govt. Bldg.
 Barnett, Jas. F., Mich. Trust Co. Bldg.
 Blair, Chas. B., Mich. Trust Co. Bldg.
 Boltwood, Lucius, Mich. Trust Co. Bldg.
 Bradfield, Thos. P., Mich. Trust Co. Bldg.
 Brooks, Walter H.
 Buchanan, Claude R., Mich. Trust Co. Bldg.
 Bundy, McGeorge, Mich. Trust Co. Bldg.
 Butterfield, Roger C., Mich. Trust Co. Bldg.
 Butterfield, Roger W., Mich. Trust Co. Bldg.
 Campau, Francis D., Mich. Trust Co. Bldg.
 Campbell, Colin P., Widdicomb Bldg.
 Campbell, Jas. H., Mich. Trust Co. Bldg.
 Carmody, Martin H., 325-8 Houseman Bldg.
 Carpenter, Eugene, Houseman Bldg.
 Clapperton, Geo., Mich. Trust Co. Bldg.
 Clute, Wm. K., Mich. Trust Co. Bldg.
 Corwin, Benn. M., Houseman Bldg.
 Creswell, Harry L., Houseman Bldg.
 Denison, Arthur C., Gov't Bldg.
 Doran, Peter, 4th Nat. Bk. Bldg.
 Dunham, M. L., Widdicomb Bldg.
 Ellis, A. A., Houseman Bldg.
 Freeland, Homer H., Houseman Bldg.
 Gillett, W. J., Board of Trade House.
 Gleason, Clark H., Powers Opera House Bldg.
 Hall, Clare J., Houseman Bldg.

Harrington, Leon W., Mich. Trust Co. Bldg.
 Hatch, Reuben, Widdicomb Bldg.
 Heald, Henry T., Bd. of Trade Bldg.
 Hess, Frank A., Police Court.
 Hext, Chas. F., 4th Nat. Bank Bldg.
 Higbee, Clark E., City Hall.
 Hindman, A. C., Houseman Bldg.
 Holmes, Clyde J., Houseman Bldg.
 Holmes, Glenn W., Houseman Bldg.
 Hyde, Wesley W., Mich. Trust Co. Bldg.
 Jewell, Harry D., Court House.
 Johnston, Andrew W., Houseman Bldg.
 Keeney, Willard F., Mich. Trust Co. Bldg.
 Kingsley, Willard, Houseman Bldg.
 Kleinhaus, Jacob, Mich. Trust Co. Bldg.
 Knappen, Loyal E., Gov't. Bldg.
 Knappen, Stuart E., Mich. Trust Co. Bldg.
 Landman, Wm. J., Houseman Bldg.
 Lombard, Jas. A., 4th Nat. Bank Bldg.
 McAllister, Jas. T., Wonderly Bldg.
 McDonald, John S., Court House.
 McKnight, Wm. F., Wonderly Bldg.
 McPherson, Chas., Mich. Trust Co. Bldg.
 Maher, Edgar A., Aldrich Bk.
 Mapes, Carl E., Widdicomb Bldg.
 Master, Sheridan E., Gov't. Bldg.
 Merrick, Benj. P., Mich. Trust Co. Bldg.
 Montgomery, Stanley D., Shepard Bldg.
 More, Jno. E., Mich. Trust Co. Bldg.
 Moulton, Luther V., Houseman Bldg.
 Nichols, M. A., Houseman Bldg.
 Norris, Mark, Mich. Trust Co. Bldg.
 O'Brien, Thos. J., Mich. Trust Co. Bldg.
 Perkins, Cyrus E., Mich. Trust Co. Bldg.
 Perkins, Willis B., Court House.
 Phelps, Earl F., Widdicomb Bldg.
 Rice, Cyrus W., Mich. Trust Co. Bldg.
 Smedley, C. O., Houseman Bldg.
 Smith, Wm. Alden, Wm. Alden Smith Bldg.
 Stace, Francis A., Mich. Trust Co. Bldg.
 Stuart, Wm. J., City Hall.
 Swarthout, Elvin, Mich. Trust Co. Bldg.
 Taggart, Edw.
 Taggart, Ganson, Mich. Trust Co. Bldg.
 Temple, Charles E., Mich. Trust Co. Bldg.
 Thornton, Howard A., Mich. Trust Co. Bldg.
 Travis, Philip H., Mich. Trust Co. Bldg.
 Walker, Myron H., Houseman Bldg.
 Ward, M. Thomas, Houseman Bldg.
 Warner, David A., Mich. Trust Co. Bldg.
 Watkins, Roy M., Houseman Bldg.
 Weasellus, Sybrant, Houseman Bldg.
 Wicks, Kirk E., Houseman Bldg.
 Wilson, Chas. M., Mich. Trust Co. Bldg.
 Wilson, Hugh, Mich. Trust Co. Bldg.
 Wolf, Gustave A., Mich. Trust Co. Bldg.
 Wykes, Roger Irving, Mich. Trust Co. Bldg.

GRAYLING

(Crawford County)

Alexander, Geo. L.

GREENVILLE

(Montcalm County)

Rowman, E. J.

Griswold, N. O.
 Lewis, Milo
 Rarden, C. L.

HANCOCK

(Houghton County)

Burritt, Wm. A.
 Corgan, Harry
 Finnegan, J. T.
 Hanchette, Chas. D.
 Kilekila, John
 Lawton, Swaby L.
 Wright, C. A.

HART

(Oceana County)

Hanson, W. S.

HARRISON

(Clare County)

Cummins, Geo. J.
 Morrissey, Francis M.
 Quinn, Jno.

HARTFORD

(Van Buren County)

Van Riper, C. M.

HASTINGS

(Barry County)

Colgrove, Philip T.
 Potter, William W.
 Pryor, Lee H.
 Smith, Clement

HILLSDALE

(Hillsdale County)

HOLLAND

(Ottawa County)

Diekema, G. J.
 McBride, Charles H.

HOMER

(Calhoun County)

Cavanaugh, H. W.

HOUGHTON

(Houghton County)

Hambitzer, J. F.
 Legris, Louis N.
 Rees, Allen F.
 Robinson, Deen L.
 Sheldon, R. S.
 Streeter, A. T.

HOWARD CITY

(Montcalm County)

Youdan, J. Claude

HUDSON

(Lenawee County)

Chandler, Bert D.
 Fellows, Grant

IONIA

(Ionia County)

Davis, E. M.
 Davis, F. D. M.
 Morse, A. B.
 Nichols, Geo. E.
 Smith, Laurence W.

IRON MOUNTAIN

(Dickinson County)

Spencer, Jas. R.
 Woodward, E. A.

IRONWOOD

(Gogebic County)

Humphrey, Chas. M.

IRON RIVER

(Iron County)

Byers, I. W.

ISHPEMING

(Marquette County)

Belden, Wm. P.

Berg, Fred H.

Jurma, A. W.

Potter, Waldo T.

Young, H. O.

ITHACA

(Gratiot County)

McCall, A.

McCall, R.

Searle, K. S.

JACKSON

(Jackson County)

Badgely, Clyde

Bancker, Enoch

Barkworth, T. E.

Cobb, W. S.

De Land, Chas. J.

Hewitt, Adolphus E.

Kirkby, Elmer

Knowles, R. D.

Miner, Jno. W.

Northrup, LeRoy

Parkinson, J. A.

Price, Richard

Sagendorph, D. P.

Townsend, Chas. E.

Westerman, Walter S.

Wilson, Thos. A.

Worch, Rudolph

JONESVILLE

(Hillsdale County)

Hawkins, Victor

KALAMAZOO

(Kalamasoo County)

Boudeman, Dalls

Briggs, Henry C.

Chappell, Fred L.

Earl, Otis A.

Grace, Wm. C.

Howard, Harry C.

Irish, E. M.

Knappen, F. E.

McGurrin, Chas. H.

Mills, A. J.

Monroe, S. B.

Osborn, J. W.

Stearns, A. M.

Stewart, N. H.

Taylor, Walter R.

Wattles, I. N.

Weimer, Geo. V.

Weston, Frank S.

KALKASKA

(Kalkaska County)

Boyd, J. L.

Smith, Ernest C.

LAKE CITY

(Missaukee County)

L'ANSE

(Baraga County)

Mason, W. L.

O'Connor, Jos. J.

LANSING

(Ingham County)

Bird, John E.

Black, C. P.

Blair, Chas. A.

Cahill, Edward

Chase, Henry E.

Cummins, Alva M.

Dodge, Frank L.

Dunnebecke, Jos. H.

Foster, Chas. W.

Foster, Walter S.

Gardner, Henry M.

Gardner, L. B.

Hayden, Charles Howe

Hood, Oscar J.

Hooker, Harry E.

Hopkins, Chas. C.

Kilbourne, S. L.

McAlvay, A. V.

McClellan, John

McGill, Charles W.

Moore, Jos. B.

Nichols, Chas. W.

Nichols, Jason E.

Ostrander, Russell C.

Person, Rollin H.

Person, Seymour H.

Reasoner, Jas. M.

Silsbee, Harry A.

Stone, John W.

Thomas, Harris E.

Wiest, Howard

Wood, Clark C.

Zimmer, John J.

LAPEER

(Lapeer County)

Brown, W. E.

Williams, W. B.

LAURIUM

(Houghton County)

O'Brien, P. H.

LAWTON

(Van Buren County)

Lawton, Eugene W.

Tabor, L. A.

LESLIE

(Ingham County)

Tuttle, Arthur J.

LEXINGTON

(Sanilac County)

LOWELL

(Kent County)

Perry, Milton M.

LUDINGTON

(Mason County)

Danaher, M. B.

Hutton, Henry C.

Kelser, A. A.

Phelan, Jno.

Wing, C. G.

MANCHESTER

(Washtenaw County)

Freeman, F. M.

MANISTEE

(Manistee County)

Belcher, Chas. N.
 Fowler, Frank L.
 MacPhail, Leland S.
 Overpack, Roy M.
 Smith, R. W.

MANISTIQUE

(Schoolcraft County)

Hixon, Virgil L.

MANTON

(Wexford County)

Wheeler, Isaac C.

MARCELLUS

(Cass County)

Jones, Walter C.

MARINE CITY

(St. Clair County)

MARION

(Osceola County)

Kinney, W. L.

MARQUETTE

(Marquette County)

Ball, Dan H.
 Ball, James E.
 Eldredge, A. B.
 Hatch, Harvey B.
 Heffernan, J. L.
 Hill, W. S.
 McPherran, Edgar
 Miller, A. E.
 Pearl, Benj. O.
 Primeau, Jos. H., Jr.
 Sherwood, M. J.

MARSHALL

(Calhoun County)

Dennison, Edw. J.
 Hatch, J. W.
 Porter, Wm. H.
 Windsor, Herbert E.

MASON

(Ingham County)

Hemans, Lawton T.

MENOMINEE

(Menominee County)

Opsahl, Jno. M.
 Sawyer, Alvah L.
 Trudell, J. F.

MIDLAND

(Midland County)

Fales, Ira
 Gordon, Wm. D.

MONROE

(Monroe County)

Golden, C. A.
 Landon, Geo. M.

MT. CLEMENS

(Macomb County)

Crocker, Martin
 Jenney, Wm. S.
 Kuhn, Franz C.
 Miller, Frederick C.

Spier, S. B.
 Stone, W. S.
 Tucker, J. G.

MT. PLEASANT

(Isabella County)

Dodda, Francis H.
 Dodda, Peter F.
 Russell, Chas. T.

MUNISING

(Alger County)

Freeman, Henry B.

MUSKEGON

(Muskegon County)

Carpenter, Wm.
 Chaddock, Chauncey J.
 Cross, Chas. B.
 Hoyt, Wm. E.
 MacDonald, R. J.
 Ross, Jno. Q.
 Sessions, C. W.
 Sullivan, Jas. E.
 Turner, Jerome E.
 Turner, Willard J.
 Vanderwerp, John
 Wilson, F. W.

NEGAUNEE

(Marquette County)

Bell, Frank A.
 Edgerton, J. M.

NEWAYGO

(Newaygo County)

Day, A. G.
 Luton, Geo.

NEWBERRY

(Luce County)

NILES

(Berrien County)

Bacon, N. H.
 Coolidge, Orville W.
 Van Riper, Jacob J.

NORTHVILLE

(Wayne County)

Clark, Clarence D.

NORWAY

(Dickinson County)

Flannigan, R. C.

ONTONAGON

(Ontonagon County)

Jones, John
 Shuster, Anton E.

OWOSSO

(Shiawassee County)

Chandler, A. L.
 Kilpatrick, Wm.

OXFORD

(Oakland County)

Jenkins, Frank E.
 Kinsman, Geo. O.

PAW PAW

(Van Buren County)

Anderson, David
 Cavanaugh, Thos. J.
 Free, A. L.
 Titus, Lincoln H.
 Warner, Glenn E.

PELLSTON
(Emmet County)

Keating, Frank L.

PENTWATER
(Oceana County)

Harvey, G. Wm.

PETOSKEY
(Emmet County)

Pallthorp, C. J.

PLYMOUTH
(Wayne County)

PONTIAC
(Oakland County)

Moore, Andrew L.
Patterson, Jno. H.
Rockwell, K. P.
Webster, Elmer R.

PORT AUSTIN
(Huron County)

PORT HURON
(St. Clair County)

Avery, Lincoln
Hovey, Cyrus A.
Jenks, W. L.
Ladd, S. W.
Law, Eugene F.
Walsh, Jos.
Wolcott, Frank T.

REED CITY
(Osceola County)

Savidge, B. N.

ROMEO
(Macomb County)

Thorington, C. C.

ROSCOMMON
(Roscommon County)

De Waele, Charles L.

ST. IGNACE
(Mackinac County)

Hoffman, Henry

ST. JOHNS
(Clinton County)

Brown, J. Earle
Lyon, Edwin H.
Molnet, Edward J.
Smith, Wm. M.
Walbridge, H. E.

ST. JOSEPH
(Berrien County)

Graves, Frank P.
St. Clair, John C.

SAGINAW
(Saginaw County)

Baillie, Thos.
Baker, Orlando H.
Beach, Emmet L.
Brooks, Melville D.
Crane, R. F.
Crane, Wm. E.
Davis, Geo. W.
Davitt, Jas. H.

Durand, L. T.
Gage, Wm. G.
Grant, Geo.
Humphrey, Watts S.
Kleinfeld, Frank F.
McKay, Jno. A.
Naegley, Henry E.
Newton, Frederick W.
O'Keefe, Jno. F.
Peter, Jas. B.
Purcell, Miles J.
Quinn, Frank Q.
Smith, Wallis Craig
Thayer, Russell B.
Weadock, Geo. L.
Weadock, Geo. W.
Weadock, Jerome J.
Weadock, John V.

SANDUSKY
(Sanilac County)

Dawson, Wm.

SAULT STE. MARIE
(Chippewa County)

Handy, Sherman T.
Holden, Lawson C.
Hudson, Roberts P.
McDonald, Michael F.
Oren, Horace M.
Sharpe, Albert E.
Steere, J. H.
Sullivan, Frank P.
Warner, Frank R.
Wiley, Merlin

SARANAC
(Ionia County)

Wilson, Chas. L.

SHELBY
(Oceana County)

Hinds, Albert W.

SOUTH HAVEN
(Van Buren County)

Chandler, Jas. E.
Cook, H. T.

STANDISH
(Arenac County)

McCarthy, Jno. J.

STANTON
(Montcalm County)

Palmer, L. C.

STURGIS
(St. Joseph County)

Stanton, Jay J.

TECUMSEH
(Lenawee County)

THREE RIVERS
(St. Joseph County)

Andrews, Bishop E.
Pealer, Russell R.

TRAVERSE CITY
(Grand Traverse County)

Davis, H. C.
Gilbert, Parm C.
Pratt, Fred H.
Underwood, M. W.

VASSAR

(Tuscola County)

VICKSBURG

(Kalamazoo County)

Cropsey, Jesse R.

WEST BRANCH

(Ogemaw County)

Sharpe, Nelson

YALE

(St. Clair County)

YPSILANTI

(Washtenaw County)

Hatch, W. B.

OUTSIDE OF MICHIGANBrown, Henry B., Washington, D. C.
Couch, John A., Aqueduct Bldg.,Rochester, N. Y. (Formerly of
Sault Ste. Marie.)Fowler, Frank L., 1412 Hartford Bldg.,
Chicago, Ill.Mallow, Homer R., Congress Hotel An-
nex, Chicago, Ill.Maynard, Fred A., Salt Lake City,
Utah, care U. S. Dist. Attorney.Montgomery, R. M., Washington, D.
C., 1120 16th St.Smith, Chas. H., Manila, P. I. (For-
merly of Jackson.)Weadock, John C., 7 Wall St., New
York. (Formerly of Bay City.)

LIST OF DECEASED MEMBERS

With Date of Death.

Adams, Oscar, Cheboygan. (See p. 114, Proceedings of 1903.)
 Alexander, Chas. T., Detroit.
 Atkinson, John, Detroit, Aug. 14, 1901. (See p. 119, Proceedings of 1903.)
 Atkinson, O'Brien J., Port Huron. (See p. 35, Proceedings of 1902.)
 Babbitt, J. W., Ypsilanti. (See p. 35, Proceedings of 1902.)
 Bean, Seth, Adrian. (See pp. 28 and 114, Proceedings of 1903.)
 Beaver, Theo. G., Niles, Sept. 1, 1906. (See p. 68, Proceedings of 1910.)
 Brennan, Michael, Detroit, Dec. 11, 1905. (See p. 81, Proceedings of 1906.)
 Brooks, John M., Saginaw, March 26, 1904. (See p. 76, Proceedings of 1904.)
 Brown, Benjamin J., Menominee, Jan. 9, 1905. (See p. 69, Proceedings of 1905.)
 Browne, Thos. W., Kalamazoo, July 9, 1910.
 Carpenter, Henry B., Lansing, Aug. 5, 1905. (See p. 89, Proceedings of 1906.)
 Chambers, F. H., Detroit. (See p. 35, Proceedings of 1902.)
 Chadbourne, T. L., Houghton, April 18, 1911. (See Report of Historical Com., 1911.)
 Champlin, John W., Grand Rapids, July 24, 1901. (See p. 119, Proceedings of 1903.)
 Chatterton, Mason D., Lansing, Oct. 27, 1903. (See p. 73, Proceedings of 1904.)
 Cheever, Noah Wood, Ann Arbor, July 20, 1905. (See p. 87, Proceedings of 1906.)
 Clark, Frederick O., Marquette. (See p. 85, Proceedings of 1906.)
 Clute, Lemuel, Ionia. (See p. 35, Proceedings of 1902.)
 Conley, Edwin F., Detroit, April 20, 1902. (See p. 115, Proceedings of 1903.)
 Constantine, S. M., Three Rivers, Sept., 1908.
 Crocker, Thomas M., Mt. Clemens. (See p. 114, Proceedings of 1903.)
 Cruickshank, A. D., Charlevoix. (See p. 114, Proceedings of 1903.)
 Cutcheon, S. M., Detroit, April 18, 1900. (See p. 121, Proceedings of 1903.)
 Dooling, John C., St. Johns, Feb. 28, 1908. (See p. 68, Proceedings of 1910.)
 Drury, Horton H., Grand Rapids, March 18, 1909. (See p. 69, Proceedings of 1910.)
 Durand, Geo. H., Flint. (See p. 114, Proceedings of 1903.)
 Eddy, L. P., Grand Rapids. (See p. 35, Proceedings of 1902.)
 Eldredge, J. B., Mt. Clemens. (See p. 35, Proceedings of 1902.)
 Evans, W. T., Pentwater. (See p. 35, Proceedings of 1902.)
 Felker, Henry J., Grand Rapids. (See p. 28, Proceedings of 1903.)
 Fedewa, John H., St. Johns, Jan. 27, 1901. (See p. 121, Proceedings of 1903.)
 Fletcher, Niram A., Grand Rapids, Aug. 15, 1899. (See p. 120, Proceedings of 1903.)
 Fox, Wm. D., Detroit, May 1, 1911. (See Report of Historical Committee of 1911.)
 Fraser, Robert E., Detroit, May 9, 1908. (See p. 69, Proceedings of 1910.)
 Fuller, C. C., Big Rapids, Dec. 23, 1906. (See p. 69, Proceedings of 1910.)
 Fuller, Wm. D., Grand Rapids, March 20, 1908. (See p. 80, Proceedings of 1908.)
 Fyfe, L. C., St. Joseph, Nov. 15, 1909. (See p. 69, Proceedings of 1910.)
 Gage, Chauncey H., Saginaw, April 8, 1909. (See p. 70, Proceedings of 1910.)
 Goss, Dwight, Grand Rapids, March 29, 1909. (See p. 70, Proceedings of 1910.)
 Gott, Edward A., Detroit, May 9, 1904. (See p. 78, Proceedings of 1904.)
 Graves, Benj. F., Detroit, March 2, 1906. (See p. 77, Proceedings of 1906.)
 Grimm, Levi Thos., Detroit, March 17, 1906. (See p. 83, Proceedings of 1906.)
 Haggerty, Wm. H., Grand Rapids, March 31, 1904. (See p. 77, Proceedings of 1904.)
 Harris, John M., Saginaw, Feb. 25, 1906. (See p. 88, Proceedings of 1906.)
 Hawley, J. G., Detroit, Aug. 17, 1900. (See p. 120, Proceedings of 1903.)
 Hayden, George, Ishpeming. (See p. 114, Proceedings of 1903.)
 Higgins, S. G., Saginaw. (See p. 128, Proceedings of 1903.)
 Hopkins, George H., Detroit, March 6, 1906. (See p. 84, Proceedings of 1906.)
 Hopkins, Joel C., Battle Creek, April 29, 1907. (See p. 80, Proceedings of 1908.)
 Howard, Wm. G., Kalamazoo, Aug. 8, 1906. (See p. 81, Proceedings of 1908.)
 Hoyt, Birney, Grand Rapids. (See p. 35, Proceedings of 1902.)
 Hoyt, Hiram J., Muskegon, May 17, 1900. (See p. 70, Proceedings of 1910.)
 Hulbert, Stephen S., Battle Creek, May 15, 1904. (See p. 78, Proceedings of 1904.)
 Hunter, F. W., Grand Rapids. (See p. 35, Proceedings of 1902.)
 Huston, B. W., Vassar. (See p. 35, Proceedings of 1902.)
 Jacokes, Jas. A., Pontiac. (See p. 82, Proceedings of 1908.)
 Knight, Seth W., Mt. Clemens, July 11, 1910. (See p. 70, Proceedings of 1910.)
 Lee, Jay P., Lansing. (See p. 35, Proceedings of 1902.)
 Lillibridge, W. M., Detroit, Oct. 2, 1904. (See p. 67, Proceedings of 1905.)
 Lockton, Andrew W., Battle Creek, April 5, 1904. (See p. 77, Proceedings of 1904.)
 Long, Chas. D., Lansing. (See p. 35, Proceedings of 1902.)
 Lovell, Henry R., Flint. (See p. 68, Proceedings of 1905.)
 Lowell, Dwight N., Romeo. (See p. 83, Proceedings of 1908.)
 Maybury, Wm. C., Detroit, May 6, 1909. (See p. 70, Proceedings of 1910.)
 Moore, William A., Detroit, Sept. 26, 1905. (See p. 84, Proceedings of 1908.)
 McGrath, J. W., Detroit, Dec. 9, 1905. (See p. 78, Proceedings of 1906.)
 McMath, J. W., Bay City. (See p. 35, Proceedings of 1902.)
 Meddaugh, Elijah W., Detroit, Dec. 20, 1903. (See p. 74, Proceedings of 1904.)

- Metzger, Henry F., Sault Ste. Marie, Jan. 9, 1906. (See p. 63, Proceedings of 1906.)
 Palmer, L. G., Big Rapids, Jan. 4, 1911. (See Report of Historical Committee, 1911.)
 Patton, John, Grand Rapids, May 24, 1907. (See p. 35, Proceedings of 1908.)
 Patterson, John C., Marshall, May 24, 1910. (See p. 71, Proceedings of 1910.)
 Peck, Erastus, Jackson, Jan. 22, 1904. (See p. 75, Proceedings of 1904.)
 Peters, Frank H., Manistiquette. (See p. 35, Proceedings of 1902.)
 Pratt, Edwin S., Traverse City, June 5, 1911. (See Report of Historical Com., 1911.)
 Pringle, Eugene, Jackson, June 15, 1908. (See Report of Historical Com., 1911.)
 Priddy, Frank E., Adrian, Feb. 25, 1909. (See p. 71, Proceedings of 1910.)
 Rood, Arthur R., Grand Rapids. (See p. 35, Proceedings of 1902.)
 Russell, F. G., Detroit. (See p. 35, Proceedings of 1902.)
 Russell, Alfred, Detroit. (See p. 30, Proceedings of 1906.)
 Shaw, John C., Detroit, Jan. 23, 1911. (See Report of Historical Committee, 1911.)
 Smith, Chas. S., Saginaw, Dec. 22, 1906. (See p. 86, Proceedings of 1908.)
 Smith, Francis, Muskegon. (See p. 114, Proceedings of 1903.)
 Smith, Quincy A., Lansing, Oct. 3, 1907. (See p. 86, Proceedings of 1908.)
 Smith, Vernon, Ionia. (See p. 87, Proceedings of 1903.)
 Stevens, Herman W., Port Huron, May 15, 1907. (See p. 83, Proceedings of 1908.)
 Straker, D., Augustus, Detroit, Feb. 14, 1908. (See p. 89, Proceedings of 1903.)
 Snow, Byron Albert, Saginaw, May 5, 1905. (See p. 70, Proceedings of 1905.)
 Tarmey, Timothy Edw., Detroit, June 8, 1909. (See p. 71, Proceedings of 1910.)
 Thompson, Charles E., Bad Axe, March 27, 1907. (See p. 90, Proceedings of 1908.)
 Thompson, Guy B., Detroit. (See p. 35, Proceedings of 1902.)
 Thrall, C. H., Big Rapids. (See p. 35, Proceedings of 1902.)
 Uhl, Edwin F., Grand Rapids, May 17, 1901. (See p. 119, Proceedings of 1903.)
 Vance, Samuel W., Port Huron. (See p. 35, Proceedings of 1902.)
 Wanty, Geo. F., Grand Rapids, July 9, 1906. (See p. 90, Proceedings of 1903.)
 Ward, John, Detroit. (See p. 35, Proceedings of 1902.)
 Warner, Carlos E., Detroit. (See p. 120, Proceedings of 1903.)
 Watson, Lewis, Detroit. (See p. 35, Proceedings of 1902.)
 Weaver, Clement E., Adrian, April 6, 1906. (See p. 86, Proceedings of 1906.)
 Whipple, Frank, Port Huron. (See p. 35, Proceedings of 1902.)
 Wicksmall, Guy J., South Haven, Dec., 1910. (See Report of Historical Com., 1911.)
 Wolcott, Alfred, Grand Rapids, March 8, 1908. (See p. 92, Proceedings of 1908.)
 Wolcott, L. W., Grand Rapids, March 29, 1909. (See p. 71, Proceedings of 1910.)

Total, 104.

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